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LAND WITHDRAWALS FROM THE PUBLIC DOMAIN FOR MILITARY PURPOSES

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED
WATER AND RESOURCE CONSERVATION

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 2412

A BILL TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS

JULY 17, 1986

Printed for the use of the
Committee on Energy and Natural Resources

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S311-19

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LAND WITHDRAWALS FROM THE PUBLIC DOMAIN FOR MILITARY PURPOSES

THURSDAY, JULY 17, 1986

U.S. Senate, Subcommittee on Public Lands, Reserved Water and Resource Conservation, Committee on Energy and Natural Resources

Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-366, Dirken Senate Office Building, Hon. Chic Hecht presiding.

Present: Senators Hecht, Domenici, Murkowski, and Bingaman.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. CHIC HECHT, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator Hecht. Good morning, ladies and gentlemen. This morning the Subcommittee on Public Lands, Reserved Water and Resource Conservation will hear testimony on S. 2412, to withdraw and reserve certain public lands. I will place a copy of this bill in the hearing record.

The hearing record will remain open for 2 weeks after today, during which time written testimony on this measure can be submitted to the subcommittee. In the interest of time, I would ask the witnesses to limit their oral statements to 5 minutes. Please keep an eye on the lighted timer we have displayed. When you see the yellow light come on, you will know that you have 1 minute remaining to speak. Please begin to make your concluding remarks at that time and when the red light comes on, finish your sentence and then stop. Additional written comments may be provided and the entire testimony, oral and written, will be included in the record.

As you know, two of these withdrawals involve my home State of Nevada. These two, the Bravo-20 Bombing Range withdrawal and the Nellis Air Force Range withdrawal, are of great concern to many Nevadans. As I look over the witness list, Nevada's interest in this bill is made obvious by the overwhelming turnout of so many of its citizens. I am happy to welcome my fellow Nevadans and I look forward to their statements today.

Before our first witness is going to speak, I want to take note of a book, "Military Land Withdrawals," that has made some legal history and a case study. If I may, I would like to quote from page 19, "Military Use of the Range." This is a historical statement:

> Early in 1941, the Officer in charge of Luke Airfield, just east of Phoenix, received orders from the War Department to locate a desert area where flight crews could be trained in air combat. A site was needed that was large, uninhabited and consisted almost entirely of public land. The Commander of Luke Airfield, now called Luke Air Force Base, Colonel Arley McRae, relates that the task of finding such an area was then assigned to a young officer named Barry Goldwater, an Arizona native familiar with the State's resources.
>
> Thus, the future Senator drew the original boundaries of Luke Air Force Range, which at that time contained 1,077,000 acres.

That is quite a story and I urge all of you to continue reading. I just wanted to make special note of our distinguished Senator from Arizona who will now be the first one to testify.

[The text of S. 2412 follows:]

II

99TH CONGRESS
2D SESSION

S. 2412

To withdraw and reserve certain public lands.

IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, MAY 5), 1986

Mr. MCCLURE (for himself, Mr. WALLOP, Mr. GOLDWATER, Mr. HECHT, and Mr. LAXALT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To withdraw and reserve certain public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, the following lands are hereby withdrawn from all forms of appropriation under the public land laws—

(a) approximately 21,576.40 acres of public land in Churchill County, Nevada, as generally depicted on a map entitled "Bravo-20 Bombing Range Withdrawal—Proposed" dated January 1985, and all other lands within the boundaries of the Bravo-20 Bombing Range that are now or may hereafter become subject to the operation of the public land laws for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith: *Provided,* That this Act does not affect the withdrawals of July 2, 1902, August 26, 1902, and August 4, 1904, under which the Bureau of Reclamation utilizes for flooding, overflow, and seepage purposes approximately 14,750 acres of the lands withdrawn reserved by this Act;

(b) approximately 2,945,000 acres of land in Clark, Nye, and Lincoln Counties, Nevada, as generally depicted on a map entitled "Nellis Air Force Range Withdrawal—Proposed" dated January 1985, are hereby withdrawn from all forms of appropriation under the public land laws for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith: *Provided,* That except to the extent rendered necessary by national defense, this Act does not affect (1) the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.) as it applies to the Desert National Wildlife Range; (2) any Executive order or public land order in effect on the date of enactment of this Act that affects the Desert National Wildlife Range; or (3) any memorandum of understanding between the Department of the Interior and the Department of the Air Force, regarding the administration and joint use of a portion of the Desert National Wildlife Range;

(c) approximately 2,664,423 acres of land in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on a map entitled "Luke Air Force Range Withdrawal—Proposed" dated January 1985, for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith: *Provided,* That except to the extent rendered necessary by national defense, this Act does not affect (1) the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.) as it applies to the Cabeza Prieta National Wildlife Refuge; (2) any Executive order or public land order in effect on the date of enactment of this Act that affects the Cabeza Prieta National Wildlife Refuge; or (3) any memorandum of understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy regarding the administration and joint use of a portion of the Cabeza Prieta National Wildlife Refuge;

(d) approximately 608,384.87 acres of public land in Otero County, New Mexico, as generally depicted on a map entitled, "McGregor Range Withdrawal—Proposed" dated January 1985, for use by the Department of the Army as a training and weapons testing area, and for other defense related uses consistent therewith;

(e) approximately 571,995 acres of public land in the Big Delta area, Alaska, as generally depicted on a map entitled "Fort Greely Maneuver Area Withdrawal—Proposed" dated January 1985, and approximately 51,590 acres of public land in the Granite Creek area, Alaska, as generally depicted on a map entitled "Fort Greely Air Drop Zone Withdrawal—Proposed" dated January 1985, for use of the Department of the Army for military maneuvers, training, equipment development and testing, and other defense related uses consistent therewith;

(f) approximately 247,951.67 acres of public land in the Fourth Judicial District, Alaska, as generally depicted on a map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed" dated January 1985, for use of the Department of the Army as a military maneuver area, a training area for artillery firing, aerial gunnery, infantry tactics, and other defense related uses consistent therewith;

(g) approximately 132,928 acres of public land in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Withdrawal—Proposed" dated January 1985, and all other lands within the boundaries of the Chocolate Mountain Aerial Gunnery Range that are now or may become subject to the operation of the public land laws, for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith; and

(h) the Federal lands located within the boundaires of the Naval Weapons Center, within Inyo, Kern, and San Bernardino Counties, California, comprising approximately 1,100,000 acres, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed" dated January 1985, for use of the Department of the Navy as a research, development, test and evaluation laboratory, and range for air warfare weapon and weapon systems, a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and for other defense related uses consistent therewith.

SEC. 2. (a) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this Act; and

(2) file maps and the legal description of the lands withdrawn and reserved by this Act with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) Such maps and legal descriptions shall have the same force and effect as if they were included in this Act: *Provided,* That the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) Copies of the maps and legal descriptions that are filed with the committees shall be available for public inspection in the office of the Director, Bureau of Land Management, Washington, District of Columbia, and, as appropriate, in the office of the director, Nevada State office of the Bureau of Land Management, Reno, Nevada; the office of the commander, Bravo-20 Bombing Range; the office of the Director, Fish and Wildlife Service, Washington, District of Columbia, the office of the Regional Director, Fish and Wildlife Service, Portland, Oregon; the office of the commander, Nellis Air Force Base; the office of the director, Arizona State office of the Bureau of Land Management, Phoenix, Arizona; the office of the Director, Fish and Wildlife Service, Washington, District of Columbia, the office of the Regional Director, Fish and Wildlife Service, Albuquerque, New Mexico; the office of the commander, Luke Air Force Base; the office of the director, New Mexico State office of the Bureau of Land Management, Santa Fe, New Mexico; the office of the commander, McGregor Range; the office of the director, Alaska State office of the Bureau of Land Management, Anchorage, Alaska; the office of the installation commander, Fort Richardson, Alaska; the office of the director, California State office of the Bureau of Land Management, Sacramento, California; the office of the commander, Marine Corps Air Station, Yuma, Arizona; and the office of the commander, Naval Weapons Center, China Lake, California.

SEC. 3. The responsibilities of the Secretary of the Interior for management of the lands withdrawn and reserved by this Act are established as follows:

(a) The Secretary of the Interior shall manage the lands and their resources, to the extent possible in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, as amended; 43 U.S.C. 1701 et seq.), and for other applicable laws, for uses which may include, but are not limited to, grazing, management of wildlife habitat, control of predatory animals, and the prevention and suppression of brush and range fires resulting from nonmilitary activities. Except as set forth in section 4(a) of this Act, the Secretary of the Interior shall also be responsible for the issuance of all easements and rights-of-way over the lands withdrawn and reserved by this Act. All such uses, and the issuance of all easements and rights-of-way, shall be secondary to the military use of the lands and shall be authorized only with the concurrence of, as appropriate, the Secretary of the Navy, the Secretary of the Army, or the Secretary of the Air Force.

(b)(1) Within five years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of the Navy, Army, or Air Force, as appropriate, shall develop a land use plan and management program for the use and management of the lands withdrawn and reserved by this Act.

(2) The lands within the Desert National Wildlife Range shall be managed by the Secretary of the Interior in accord-

ance with the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.), except to the extent that other uses are required for purposes of national defense.

(3) The lands within the Cabeza Prieta National Wildlife Refuge shall be managed by the Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 929, as amended; 16 U.S.C. 668dd et seq.), except to the extent that other uses are required for purposes of national defense.

(4) Consistent with the provisions of the Act of September 15, 1960 (74 Stat. 1052, as amended; 16 U.S.C. 670a–670f), the Secretary of the Interior, the Secretary of the Army, and the State of Alaska shall develop, within one year after the date of enactment of this Act, an agreement for the management, conservation, and enhancement of fish and wildlife resources on the lands withdrawn and reserved by this Act within the State of Alaska.

(5) In developing the management plan under subsection (b) for the lands withdrawn under section 1(e) and 1(f), the Secretary of the Interior shall consult with other Federal agencies and the State of Alaska. Such plan shall include a fire management plan which considers habitat improvement and other resource values.

Sec. 4. The responsibilities of the Secretary of the Navy, Army, or Air Force, as appropriate (hereinafter referred to as the Secretary) for management of the lands withdrawn and reserved by this Act are established as follows:

(a) The Secretary shall have the authority to control the military use of the lands and may authorize use of the lands by the other military departments and agencies of the Department of Defense and the Department of Energy, as appropriate or by the public for recreation, hunting, fishing, and trapping to the extent the Secretary determines.

(b) When military operations, public safety or national security, as determined by the Secretary, require the closure of roads and trails commonly in public use, the Secretary is authorized to take such action: *Provided,* That such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(c) The Secretary shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by section 5 of this Act shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy, Army, or Air Force, as appropriate, to the Bureau of Land Management as compensation for such assistance.

(d) The Secretary of the Navy shall have responsibility for the management of the wild horses and burros on the lands withdrawn under subsection 1(h) and is authorized to utilize helicopters and motorized vehicles for the management and control of such animals.

(e) The Secretary of the Navy may utilize sand, gravel or similar mineral or mineral material resources when the use of such resources is required for construction needs of the Naval Weapons Center, China Lake.

SEC. 5. The Secretary of the Interior and the appropriate Secretary shall enter into a memorandum of understanding to implement the program developed in accordance with section 3(b) of this Act, and shall continue in effort (1) any memorandum of understanding between the Department of the Interior and the Department of the Air Force covering the administration and joint use of a portion of the Desert National Wildlife Range, and (2) any memorandum of understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy covering the administration and joint use of a portion of the Cabeza Prieta National Wildlife Refuge. The term of the memorandums of understanding shall be the same as the term of the withdrawal established by this Act; however, the provisions of the memorandum of understanding may be amended upon mutual consent of the Secretaries.

SEC. 6. (a) Except as provided otherwise in this section, the withdrawal and reservation established by this Act shall terminate twenty-five years from the effective date of this Act.

(b) At least three years prior to the termination of the withdrawal and reservation established by this Act, the appropriate Secretary shall advise the Secretary of the Interior as to whether or not the Department of the Navy, Army, or Air Force, as appropriate, will have a continuing military need for any of the lands after the termination date—

(1) if the Secretary concludes that there will be a continuing military need for any of the lands after the termination date, he shall file an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals. Upon the filing of an application for extension, the withdrawal and reservation established by this Act shall remain in full force and effect pending processing of the application and a decision and action on the proposed withdrawal and reservation by the Secretary of the Interior, and, if the application for extension is subject to the requirement of section 2 of the

Act of February 28, 1958 (72 Stat. 27; 43 U.S.C. 156), by the Congress;

(2) if the Secretary concludes that, after the termination date established by subsection (a) of this section, there will be no military need for all or any of the lands withdrawn and reserved by this Act, or if, during the period of withdrawal and reservation, the Secretary decides to relinquish all or any of the lands withdrawn and reserved by this Act, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior; and

(3) prior to the filing of a notice of intention to relinquish pursuant to paragraph (2) of this section, the Secretary shall prepare a written determination as to whether and to what extent the lands are contaminated with explosive, toxic or other hazardous materials. A copy of the determination made by the Secretary shall be supplied with the notice of intention to relinquish. Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior—

(A) if the lands are contaminated, and the Secretary, in coordination with the Secretary of the Interior, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the lands, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, the Secretary shall decontaminate the lands, unless Congress declines to appropriate funds for the project;

(B) if the Secretary and the Secretary of the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to operation of the public land laws, or if Congress declines to appropriate funds for the decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(c) If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over the lands proposed for relinquishment, the withdrawal and reservation established by this Act shall continue indefinitely and the lands shall be retained and managed in accordance with the provisions of this Act. In such case, beginning with the fifth anniversary of the termination date of the withdrawal and reservation established by this Act, and every five years thereafter, the Secretary, in coordination with the Secretary of the Interior, shall determine whether decontamination of any or all of the lands is both practicable and economically feasible. If the Secretaries conclude the decontamination is both practicable and economically feasible, taking into consideration the potential future use and value of the lands, and that upon decontamination the lands could be opened to operation of the public land laws, including the mining laws, the Secretary shall decontaminate the lands, unless Congress declines to appropriate funds for the project. Following decontamination and upon certification by the Secretary that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(d) Notwithstanding any other provisions of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this Act, as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall terminate the withdrawal and reservation; constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and state the date upon which the lands will be opened to the operation of the public lands laws, including the mining laws.

SEC. 7. (a) The functions of the Secretary under this Act may be delegated.

(b) The functions of the Secretary of the Interior under this Act may be delegated, except that the order referred to in section 6(d) of this Act, may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 8. The following public land orders, as amended, are hereby revoked: Public Land Order 673, of October 6, 1950; Public Land Order 3450, of September 23, 1964; and Public Land Order 431, of December 19, 1947.

SEC. 9. Nothing in this Act shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 1 of this Act. Nor shall any provision of this Act be construed as authorizing the appropriation of water on lands described in section 1 of this Act by the United States except in accordance with the established law of the States in which the lands described in section 1 are located.

SEC. 10. All hunting, fishing, and trapping on the lands withdrawn by this Act shall be conducted in accordance with the provisions of section 2671 of title 10, United States

Code, except that hunting, fishing, and trapping within the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

Senator Goldwater.

STATEMENT OF HON. BARRY GOLDWATER, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator GOLDWATER. Thank you very much, Senator. I did not know about that history. But I would like to mention that there were others involved. I would either fly over the area and talk to my commander who was in a jeep, or he would fly over the area and talk to me and I was in a jeep, and we selected the land.

I want to thank you for the opportunity to testify today in support of S. 2412, a bill to withdraw and reserve certain public lands for use by the Department of Defense for military purposes. The legislation involves eight separate military reservations. As chairman of the Senate Armed Services Committee, I am very familiar with all of them. However, since one in particular is located in my own State of Arizona, my testimony will primarily concern Luke Air Force Base Range, but what I say can be applied to any other range.

Located in southwestern Arizona and the Sonoran Desert, the Luke Range occupies about 2.7 million acres. Within this area, there is about 80,000 acres of State land and around 2,500 acres of private land. In addition, some 820,000 Federal acres compose the Cabeza Prieta National Wildlife Refuge. Established in 1939, the refuge was made part of the Luke Range in the 1940's.

The history of the Luke area goes back to 1941 when the War Department issued orders to the officer in charge of Luke, then Lt. Col. Ennis Whitehead, later to become a three-star general in charge of the Fifth Air Force, to locate a desert area where flight crews could be trained in air combat.

I happened to be stationed at Luke at that time. I was a first lieutenant and I drew the original boundaries of the range, which was about 1,077,000 acres. The reservation has since grown to its present day size and is the principal gunnery area of the Tactical Air Command.

Though administered by the Air Force, several branches of the military share use of the range. The air operations in the Gila Bend sector to the east are controlled by the Tactical Air Command at Luke and in addition to the routine assignment of air combat training groups, others such as the Air National Guard in Tucson participate in training on the range.

To the west we have the Yuma sector which is controlled by the Marine Corps Air Station at Yuma. An interesting thing about this section of the range is that when we began to use rockets, we were all right until we got up to 5-inch rockets and they began landing in Mexico, and the Mexicans did not like it, so we had to make a gentlemanly agreement not to shoot rockets at Mexico anymore, and thereby lessened the size of the range.

Outside of Nevada and at Eglin Air Force Base where a few ranges are used for test ordnance delivery, Luke Air Force range is the only air to ground combat training area in the United States. There is also air-to-air training along with weapons testing and deployment research.

Mr. Chairman, in addition to the military aspects of this legislation, the proposal also continues to protect the Cabeza Prieta Wildlife Refuge. The memorandum of understanding between the military and the Department of the Interior will continue, and as I understand it has worked out very well. Though there has been some talk about designating the refuge as a wilderness area, I do not believe S. 2412 is a proper vehicle. Our main objective at this point is to get the Luke range lands withdrawn along with other military reservations in the bill, so that the military use of the area can continue with the required statutory approval by Congress.

I would also like to state my hope that the legislation will not be amended to allow for mining and mineral exploration. A military range is not the place for such activities. It would interfere with training schedules, present public safety problems, and cause potential litigation problems and specifically in the case of Luke, it would definitely be inconsistent with previous Executive orders, public land orders, and public law.

Mr. Chairman, this is the end of my testimony. I am a cosponsor of the legislation and I just want to emphasize that Luke and a few of the ranges around Nellis near Las Vegas are the only land ranges we have left. If we want to use the ocean off of Eglin, it has already required the expenditure of hundreds of thousands of dollars to acquire radar-bearing aircraft to warn ships of impending gunnery practice air to ground or air to ocean.

This is the most important part of our air training. Anybody who wants to settle down there has to be half crazy. There is no water. There is not much wildlife except mountain sheep, and I one day flew the wildlife inspector around. We flew all day and saw three sheep, so they are probably a little smarter than we men are.

I would urge the retention of Bravo-20 bombing range in Nevada, Nellis Air Force range in Nevada, McGregor range in New Mexico, Fort Greely maneuver area in Alaska, Fort Wainwright maneuver area in Alaska, Chocolate Mountain aerial gunnery range in California, and China Lake Naval Weapons Center.

That is my testimony, Mr. Chairman. If you have any questions I will be happy to try to answer.

Senator HECHT. Thank you very much, Senator. I do not think since I have been a Senator I have ever had more informed testimony from anyone, regardless of being a U.S. Senator. You have been involved in this actually since day one, and so we are very happy you are up here.

Senator GOLDWATER. Well, I was a lot younger. And I know that range almost like my backyard.

Senator HECHT. Maybe your body was younger, but your mind is the same.

Thank you very much, Senator.

Senator GOLDWATER. Thank you very much.

Senator HECHT. Would the next panel please come up? Mr. Jeff Roth, Mr. Bill Cronin, Mr. John Rittenhouse, Mr. Bob Burford.

Again I will repeat, please confine your testimony to 5 minutes. Let us start off—before we begin, the chairman wishes to place this legislation on the committee's agenda as soon as possible. I would ask the administration witnesses to respond to questions as accurately as they can. I would ask the administration to summarize their statements. Your entire written statement will be included in the record.

Mr. Jeff Roth.

Oh, excuse me, Senator Bingaman, I did not see you walk in. Do you have a statement?

Senator BINGAMAN. I have a statement relative to the McGregor range, which I will put in when we get to that part of the hearing.

Senator HECHT. Thank you very much. I am sorry I did not see you walk in.

Mr. Jeff Roth.

STATEMENT OF A. JEFFREY ROTH, REAL ESTATE DIRECTOR, NAVAL FACILITIES ENGINEERING COMMAND, U.S. NAVY

Mr. ROTH. Thank you, Mr. Chairman. I am very, very happy to be here. We are very pleased that these bills are up for consideration, these withdrawals are up for consideration.

I would like to introduce some supporting witnesses that are here today. Because these withdrawals are so very important to the Navy, we have brought for the Chocolate Mountain withdrawal, Brig. Gen. Joseph Hoar from Marine Corps headquarters, head of facilities; for the Bravo-20 withdrawal at Fallon, NV, we have the commanding officer of the air station, Capt. Dick Toft; and for the withdrawal of the weapons center at China Lake, we have the commanding officer of the weapons center, Capt. John Patterson.

They are all here and will be pleased to answer any questions.

As you requested, my written statement, I will be happy to submit it for the record. I will make a short summation and reiterate, first and foremost, that we very, very much do need the land withdrawals at all three of these installations. They are critical to military operations.

I would like to mention just a few words about each withdrawal. Rather than go into the specifics of what is done at each installation, I would rather just relate some of the concerns that we have at each installation.

At the weapons center at China Lake, we are withdrawing the whole complex, over 1,100,000 acres. Only 318,000 acres of the complex is without a withdrawal at this time, but we want to conform the entire complex under one piece of legislation so that management can be accomplished in a most compatible and uniform manner.

The Bureau of Land Management and the Navy have worked very closely on some land management issues. For the record, I would like to mention that the weapons center at China Lake has done the majority of the land management itself in cooperation with BLM. We had worked out an arrangement and signed the memorandum of agreement whereby that process would continue. It is not specifically recognized in the legislation before us, but I would like to, as I said, go on record that we feel strongly that that should continue. It is working very well, to the satisfaction of the Bureau and the Navy, and there are procedures in place to make sure that it will continue that way.

For the Chocolate Mountain Aerial Gunnery Range, I would like to mention that that property has not been withdrawn since 1973 when the withdrawal expired. It is 132,000 acres of highly contaminated lands interspersed with private lands that are used 7 days a week for intensive military operations, and the potential land management problems for those properties is very self-evident unless we can quickly accomplish some form of land withdrawal action which we hope to do here today.

As I said, those lands are highly contaminated and it is most important that they be put under withdrawal again.

Fort Bravo–20 range, I would like to mention that yesterday we had a hearing in the House concerning withdrawal of that range. There is a military withdrawal bill in the House. We much prefer S. 2412 and the terms of that withdrawal and would hope that ultimately those would be the basic terms for the withdrawal of Bravo–20.

As you know, Mr. Chairman, we have had some problems on that range with public health and safety issues, with nonmilitary people on the range. It is also highly contaminated and there is great danger if people go out there again. The withdrawal, of course, could prevent that and allow our operations to continue.

Mr. Chairman, really those are the major concerns. We are happy with S. 2412, as written, with maybe a couple of minor modifications that we would be happy to provide to staff and have you look at and talk to you about.

That completes my testimony. I would be happy to answer any questions.

[The prepared statement of Mr. Roth follows:]

STATEMENT OF

MR. A. JEFFREY ROTH

REAL ESTATE DIRECTOR
NAVAL FACILITIES ENGINEERING COMMAND
BEFORE THE SUBCOMMITTEE ON
PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
WITHDRAWAL OF CERTAIN PUBLIC LANDS
17 JULY 1986

Good Morning Mr. Chairman and members of the subcommittee.

I am pleased to have the opportunity to appear before the subcommittee today to discuss S. 2412, a bill to withdraw certain public lands for military purposes. The bill includes provisions to withdraw pubic lands for 25 years for the BRAVO-20 Bombing Range, Naval Air Station Fallon, Nevada; the southern portion of the Chocolate Mountain Aerial Gunnery Range, Imperial County California, under the control of the Marine Corps Air Station; Yuma, Arizona, and the Naval Weapons Center, China Lake, California. Essential Navy and Marine Corps military activities have been conducted on each of these properties for over 40 years under various land use agreements that have either expired or require updating. The present lack of proper land use agreements has resulted in increasing management problems on these properties, that in some instances are impairing the military missions. It therefore is most important to the Navy that action to withdraw these lands be completed as soon as possible. We strongly support S. 2412 and urge prompt passage of this bill.

Section 1(a) of the bill would withdraw approximately 21,576 acres in Churchill County, Nevada comprising the public lands with the boundaries of the BRAVO-20 Bombing Range. BRAVO-20 is the largest of the four targets in the Naval Air Station Fallon range complex. It is used six days a week for pilot training in delivery of both inert and live ordnance. The Range target area is about 9,000 acres of public and private lands which have been used since World War II under leases and permits. Due to higher speed aircraft training in recent years, there have been many ordnance drops outside the target area. To insure public safety from unexploded ordnance, the range has been expanded to encompass approximately 41,000 acres of public and private lands which are interspersed in a checkerboard pattern. Acquisition of the private lands was authorized and funded by Congress in 1981. These lands have been acquired.

The remote location of BRAVO-20 has made it an ideal live ordnance impact area. The land is highly contaminated with unexploded ordnance that would be difficult if not impossible to clean up. The absence of a withdrawal of this property has made the property susceptible to uncontrolled private entry upon this dangerous target area. The danger to public health and safety has resulted in closure of BRAVO-20 at times. Withdrawal of this range is urgently needed both to protect the public and to continue an important military training mission.

Section 1(g) of the bill would re-withdraw approximately 132,928 acres in Imperial County, California comprising the public lands within the southern portion of the Chocolate Mountain Aerial Gunnery Range. Approximately 119,000 acres of private lands interspersed within this range were acquired by the Navy in the 1980 timeframe. The private lands had previously been used under a series of leases dating back to the 1940's and the pubic lands used under public land orders and, from 1963 to 1973, under a land withdrawal pursuant to Public

Law 88-119. The range is used largely by the Marine Corps Air Station, Yuma, Arizona but also by air squadrons from Naval Air Stations Miramar and Lemoore, California as well as the other military services. The range has had continuous live ammunition air to ground gunnery practice since World War II and is therefore highly contaminated. The degree of contamination and mountainous terrain make decontamination most difficult if not impossible.

The Chocolate Mountain Complex is used intensively 7 days a week. It is the largest DoD gunnery range in the continental United States and is vital for military training. Public entry upon the range is generally not allowed because of its highly contaminated condition and the intensive military activities. Because the range has not been withdrawn since 1973, it is becoming increasingly difficult to control the property.

Section 1(h) of the bill would withdraw approximately 1,100,000 acres with Inyo Kern and San Bernandino Counties, California comprising the public lands within the China Lake Naval Weapons Center.

The vast majority of these lands have been in continuous use by the Center since the 1940's primarily for research development test and evaluation of Navy weapons and systems. These and other military uses have resulted in contamination of large portions of the Center with unexploded ordnance. Land uses have been covered under a number of public land orders and associated land use agreements each of which has different terms and conditions. The withdrawal for the 314,000 acre Mojave "B" Range portion of the Center expired in 1978. When processing the re-withdrawal application for Mojave "B", it was decided to update and unify the various withdrawal documents for the Center under a single withdrawal. This withdrawal for approximately 1,100,000 acres will provide clear, updated and uniform management of the Center lands. It will be of great benefit for scheduling military uses of the Center as well as for other land management purposes. Only 8,000 acres of lands not covered under existing withdrawals or the expired withdrawal is covered by this new withdrawal. The 8,000 acres provide a buffer to a highly classified test site that may pose a health and safety hazard to people who would be in the buffer area.

In summary, S.2412 provides the Navy ability to continue important military activities at three key installations. These activities have been ongoing for over 40 years and a continuing need exists indefinitely. The Navy strongly supports S. 2412.

Senator HECHT. Thank you. There will be questions for the record from different people, but for the moment we will go on.

Mr. Bill Cronin.

STATEMENT OF WILLIAM J. CRONIN, CHIEF, LEGISLATIVE SERVICES OFFICE, DIRECTORATE OF REAL ESTATE, OFFICE, CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY

Mr. CRONIN. Mr. Chairman, I am William J. Cronin, the Chief of the Legislative Services Offices in the Directorate of Real Estate, Office of Chief of Engineers, Department of the Army.

I have an opening statement which I have submitted for the record.

Senator HECHT. It will be included in the record.

Mr. CRONIN. With your permission I will summarize that statement.

Senator HECHT. Thank you.

Mr. CRONIN. Following which I will be available to answer any questions you may have.

The portions of the bill which are of interest to the Department of the Army include section 1(d) involving a withdrawal of some 608,384.87 acres of land in New Mexico for the McGregor Range; section 1(e), approximately 571,995 acres of land in Alaska for the Fort Greely maneuver area; and approximately 51,590 acres in Alaska for the Fort Greely air drop zone; in section 1(f) approximately 247,951 acres of land in Alaska for the Fort Wainwright maneuver area.

The Department of the Army supports the bill and recommends enactment. In particular, the McGregor Range in Otero County, NM, some 15 miles northeast of the main post of Fort Bliss, has been used by the Army continuously since 1957 for weapons testing and training purposes. There is a continuing need for the lands for these purposes.

Fort Bliss is the U.S. Air Defense Artillery Center and the McGregor Range is an integral component of that center and is utilized for activities which relate to its mission. It provides the necessary large land mass for the required training and testing. The range is also used for desert warfare training and airborne training when not in use for missile or weapons firings. There are only two defense centers in the world, the other center being in the Soviet Union.

There is a continuing need for both the airspace and the surface of the entire McGregor Range. The airspace is required for flight and maneuvering of target aircraft for missile launchsites. The airspace serves as a vertical safety zone for missile flights, weapons trajectory and debris scatter. In addition, operational readiness exercises and tactical training are conducted in the airspace between missile firings.

The land surface is designated as a danger zone to meet safety requirements for firing of missiles and rockets. Effective use of the McGregor Range is a compromise between maximum missile range and reduced geographic range which allows some degree of realism in target engagement. The full geographic range length is required to allow response time for range safety personnel to command the destruction of missiles in the event of a missed target or an errant missile.

The Fort Wainwright Maneuver Area in Alaska is located 16 miles southeast of Fairbanks. The lands have been used by the Army since 1957. We have a continuing requirement for the lands. The area is used primarily as a maneuver and training area and provides a realistic training environment, particularly winter exercises for active Army, National Guard, and Reserve units and the Air Force.

The tract is used 200 days a year. The reserved airspace over the withdrawal area is used for helicopter flight training and troop support. Portions of the withdrawal area are also used by the Air Force for cold weather survival training and an Air Force Technical Application Center site.

Finally, the Fort Greely Maneuver Area is used as a testing area for weapons and equipment and a training area for aerial gunnery, tactical maneuvering, and air support. This area has been used as a training and testing area for 30 years. The maneuver area is also used as a testsite for testing weapons and equipment under conditions of extreme cold.

Weapons tested include mortars, artillery, and air defense missiles. Tanks are also tested there. During January and February the area is used by up to 14,000 troops participating in war games exercises. The Air Force also uses a portion of this tract for bombing and support activities associated with Army ground force maneuvers.

The Fort Greely Air Drop Zone is used primarily as a nonfiring maneuver area, including experimental airdrops, airborne training and the testing of clothing, equipment, and vehicles under extreme weather conditions.

S. 2412 differs from a similar bill in the other body, that is, H.R. 1790, in that it does not reserve unappropriated water which is required for military purposes at the McGregor Range and also at Fort Wainwright Maneuver Area, Fort Greely Maneuver Area, and Fort Greely Air Drop Zone in Alaska during the period of withdrawal, or for some 25 years.

Reservation of water is essential to the accomplishment of the missions at each installation. Consultation with each State before the actual future taking of water would protect the interests of each State, as well as that of the Army.

That concludes my statement, Mr. Chairman.

[The prepared statement of Mr. Cronin follows:]

STATEMENT

BY

WILLIAM J. CRONIN

CHIEF, LEGISLATIVE SERVICES OFFICE

DIRECTORATE OF REAL ESTATE

OFFICE, CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY

ON

S. 2412, 99TH CONGRESS, A BILL

"TO WITHDRAW AND RESERVE PUBLIC LANDS."

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND
RESOURCE CONSERVATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

SECOND SESSION, 99TH CONGRESS

JULY 17,1986

Not for publication until released
by the Subcommittee on Public Lands,
Reserved Water, and Resource Conservation,
Committee on Energy and Natural Resources.

Good morning, Mr. Chairman and members of the Committee. I am William J. Cronin, Chief, Legislative Services Office in the Directorate of Real Estate, Office of the Chief of Engineers, Department of the Army. I represent the Army for purposes of this legislation. I have a brief opening statement, following which I will be pleased to reply to any questions.

S. 2412, a bill "To withdraw and reserve public lands." proposes to withdraw from all forms of appropriation under the public land laws, among others required for use by the Department of the Navy and the Department of the Air Force, the following lands required for use of the Department of the Army for military purposes:

Section 1(d) approximately 608,384.87 acres of land in New Mexico for the McGregor Range

Section 1(e) approximately 571,995 acres of land in Alaska for the Fort Greely Maneuver Area, and approximately 51,590 acres in Alaska for the Fort Greely Air Drop Zone

Section 1(f) approximately 247,951.67 acres of land in Alaska for the Fort Wainwright Maneuver Area

The Department of the Army supports the bill and recommends enactment.

The McGregor Range, located northeast of El Paso, Texas, in Otero County, New Mexico, approximately 15 miles northeast of the Main Post of the Fort Bliss Military Reservation has been used by the Army continuously since 1957 for weapons testing and training purposes, including tactical training, missile firing, and artillery training. There is a continuing need for the lands for these purposes.

Fort Bliss is the United States Air Defense Center (USADC), and it incorporates the United States Army Air Defense School (USAADS). McGregor Range is an integral component of the USADC and is utilized for activities which relate to its mission, including training of units in the use of air defense systems, and testing of various weapons systems, both missile and conventional air defense weapons. It provides the necessary large land mass for the accomplishment of the required training and testing. The Range is also used for desert warfare training and airborne training when not in use for missile firings. There are only two defense centers in the world, the other center being in the Soviet Union.

There is a continuing need for both the air space and surface of the entire McGregor Range. The air space is required for flight and maneuvering of target aircraft for missile launch sites. Altitude restrictions, which are coordinated with the Federal Aviation Authority, vary with the weapon-target combination and with existing weather conditions over the Range. The air space serves as a vertical safety zone for missile flights, weapons trajectory and debris scatter. In addition, Operational Readiness Exercises, and tactical training for Fort Bliss and USAF aircraft and troop carrying aircraft, are conducted in the airspace between missile firings.

The land surface is designated a danger zone to meet governing safety requirements for firing of guided missiles and heavy rockets. Effective use of McGregor Range, with its existing longitudinal axis to the north-northeast is a compromise between maximum missile range and reduced geographic range which allows some degree of realism in target engagement. The full geographic range length is required to allow response time for range safety personnel to command the destruction of missiles in the event of a fly-by (missed target) or an errant missile.

The Fort Wainwright Maneuver Area, formerly known as the Yukon Command Training Site, is located 16 miles east-southeast of Fairbanks, Alaska. The lands have been used by the Army continuously since 1957, first under permit from the Bureau of Land Management, and then pursuant to statutory authorization. The Army has a continuing requirement to use the lands.

The Fort Wainwright Maneuver Area is used primarily as a maneuver and training area. The diverse terrain and large maneuver areas provide a realistic training environment for battalion and larger size exercises, partcularly winter exercises, for active Army, National Guard and Reserve units, and the Air Force. The tract is used approximately 200 days per year by 4,000 to 5,000 troops. The reserved airspace over the withdrawal area is used for helicopter flight training and troop transport.

Portions of the withdrawal area are also used by the Air Force for cold weather survival training, a small arms range and an Air Force Technical Application Center (AFTAC) site.

The Fort Greely Maneuver Area is used as a testing area for weapons and equipment, and a training area for aerial gunnery, tactical maneuvering and air support. This area has been used as a training and testing area by the Army for 30 years, first under permit from the Department of the Interior, and then pursuant to statutory authorization.

The Fort Greely Maneuver Area is also used as a test site for testing weapons and equipment under conditions of extreme cold. Weapons tested include mortars, small arms, artillery, air defense missiles and other weapons systems. Tanks and other tracked vehicles are also tested there. During January and February, the area is used by up to 14,000 troops participating in winter war games exercises. The Air Force also uses a portion of this tract for bombing and support activities associated with Army ground force maneuvers.

The Fort Greely Air Drop Zone, located about 105 miles southeast of Fairbanks, is used primarily as a nonfiring maneuver area, including experimental air drops, airborne training, and the testing of clothing, equipment and a variety of vehicles under extreme weather conditions. The area is good for vehicle testing because of the varying terrain, snow depths, and extreme temperature variations.

S. 2412 differs from a similar bill in the other body (H.R. 1790) in that it does not reserve unappropriated water which is required for military purposes at McGregor Range, New Mexico, and at Fort Wainwright Maneuver Area, Alaska, Fort Greely Maneuver Area and Fort Greely Air Drop Zone, Alaska during the period of the withdrawal, viz., twenty-five years. Reservation of water is essential to the accomplishment of the missions at each installation. Consultation with each State before the actual future taking of water would protect the interests of each State, as well as that of the Army.

That concludes my prepared statement, Mr. Chairman. I will be happy to answer any questions you might have.

Senator Hecht. Thank you very much. Senator Domenici just walked in.

Do you have a statement that you want to make?

Senator Domenici. Yes, I do, Mr. Chairman. I have prepared remarks that I would ask the chairman to make a part of the record if you would, please.

Senator Hecht. It will be a part of the record.

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator Domenici. I want to say to the witnesses, I think you know that I am for withdrawing as much of this land as is necessary and clearing up the situation. For too long now we have had this range in some kind of a limbo situation where you are using it but have not acquired it.

The last time we had the issue before us, we raised three issues with you: First, do you really need all the land? Obviously I got in in the middle of your testimony and you were, I assume, telling us why you need all the land.

Second, the issue of needed water. And, clearly, we have been of unanimous opinion on the New Mexico delegation that this should not convey any new water rights to the Department of Defense.

Third, there is a great deal of confusion as to the grazing management, and I understand that the Army and Mr. Burford have been talking about ways to stabilize the grazing practices and uses. It has been very difficult for those in the surrounding area to understand just where things were in terms of grazing privileges and fees, and I understand we will hear testimony today with reference to that. It will still be subject to grazing privileges, but it will be under the act that controls grazing on military land as compared with the act that is governed by the Bureau of Land Management for grazing.

So if I can be convinced that we need it all, that we can satisfy you all without giving new water rights, and if we can have some assurance that grazing is going to be managed in a way to give some of the local people a reasonable chance or reasonable compensation of using the surface for grazing, you will have my support.

I ask that the remainder of my remarks be made a part of the record. Thank you, Mr. Chairman.

[The prepared statement of Senator Domenici follows:]

STATEMENT OF
SENATOR PETE V. DOMENICI
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ON S. 2412,
A BILL TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS

July 17, 1986

Mr. Chairman,

Thank you for holding this hearing on S. 2412, which would withdraw and reserve 7.5 million acres of public lands in eight areas for the use of the United States Military. I have a particular interest in this measure, because one of the areas proposed to be withdrawn is McGregor Range, which is situated in southeastern New Mexico.

McGregor Range was initially withdrawn for use by the Army in 1957. The withdrawal expired in 1979, but the Army has continued to use the land. Congress attempted to rewithdraw McGregor Range for use by the Army in 1984, but there were a number of issues which could not be resolved at that time.

I believe that the time has come to resolve the status of McGregor Range. For too long, the Army has operated on the Range without Congressional authorization. We should provide the Army with the authorization to continue to use the Range. Failure to do so could jeopardize the vital national security work that the Army conducts there.

Before Congress can authorize the withdrawal of McGregor Range, however, we must address three pressing issues which affect the land. These are the same issues which I was concerned about last time we held hearings on the McGregor Range withdrawal. I cannot support the withdrawal until these issues are adequately addressed.

First, many citizens in the area surrounding McGregor Range tell me that the Range is not fully utilized and, therefore, the Army does not need the full 608,000 acres which it has requested. I would not want to deprive the Army of any land that it truly needs, but in order to support the withdrawal of the full 608,000 acres, I need to be convinced that the Army does, in fact, need all of that land. I hope that the witnesses today who will testify on behalf of the withdrawal will be prepared to justify the amount of land requested.

Second, many ranchers in the area surrounding the Range are concerned about the grazing practices on the land. This is a huge piece of Federal land that had traditional grazing practices on it prior to its withdrawal. The Bureau of Land Management has some unusual management practices on the land which have precluded the historic users of the land in the area from having a reasonable chance to lease and use the land. We must examine how we can improve grazing practices on the land. I understand that both the Army and BLM have been looking into this matter. I look forward to hearing what suggestions they may have at this time.

Finally, we must determine what is the best way for the Army to obtain the water it needs to conduct its work on the Range. In the House version of this withdrawal, the Army has requested a legislative reservation of over 5.5 million gallons of water per day. This is unacceptable. As all the Members of this Committee are aware, we are engaged in some very serious water rights issues in my State. In response to several court decisions, the State has established a new system for the appropriation of groundwater.

A Congressional reservation of groundwater for the Army would circumvent this orderly process established by the State.

I know that the Chairman is aware of my concerns and I would like to publicly thank him for including the water rights language which I proposed in this bill. The bill as originally drafted was silent on water rights. The section which I proposed, and which has been incorporated in the bill as introduced, states that nothing in the bill should be construed as creating a reserved water right on the lands withdrawn. This language is addressed at an emerging line of court cases which have found implied reservations of water rights when Congress has withdrawn public lands for various purposes. The section also states that any water which the military seeks to appropriate on these withdrawn lands must be appropriated in accordance with State law.

I know that the Army has pressing water needs in this area, but there are other legal avenues which the Army can pursue to obtain the water it needs. I hope that we can explore these alternatives here today.

I look forward to hearing what the witnesses have to say and working out whatever differences that we have in order to assure that the Army's mission at McGregor Range can continue without interruption.

Thank you, Mr. Chairman.

Senator **Hecht**. Thank you very much, Senator. Can we go on, or do you want to speak now?

Senator **Bingaman**. Let me just insert, if I could. I have a statement also I would like to put in the record, Mr. Chairman.

Senator **Hecht**. It will be included.

STATEMENT OF HON. JEFF BINGAMAN, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator **Bingaman**. I would like to emphasize what Senator Domenici said; that the issue of the amount of land being withdrawn, the issue of water rights, and the issue of grazing are the three that continue to concern us.

I do not know if Mr. Cronin is the right witness. Perhaps he could respond on one or more of those issues at this time. I generally support the Department of Defense's land withdrawal request, however I am just not persuaded that the amount requested is necessarily needed.

[The prepared statement of Senator Bingaman follows:]

STATEMENT BY SENATOR JEFF BINGAMAN

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

S. 2412, A BILL TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS

JULY 17, 1986

Mr. Chairman. Thank you for holding this hearing. As you know, the issues involved in this legislation are very important to the citizens and state officials of New Mexico. They, and I, remain as concerned about the proposed land withdrawal today as we were two years ago.

My first concern is in the area of water rights, an issue of great importance in New Mexico and other western states with scarce water resources. For the past two years I have been anxious to ensure that the Army makes its request for water through established state procedures. The state application process requires water users to document and justify their water needs. This process is essential if the needs and rights of users are to be protected and balanced against the limited resources available. I understand my distinguished colleague from New Mexico has inserted language in S. 2412 which requires the Army to observe these procedures. I support his efforts and urge enforcement of this requirement.

My second concern is with the actual land request. Does the Army really need 608,000 acres? If the request is granted would farmers, ranchers, and others in Otero County get the fullest possible use of these lands? In New Mexico, the perception exists that the Army does not really need all the land on the McGregor Range. Many believe a large portion of the land north of Highway 506 could be safely released for multi-use purposes without interfering with national defense priorities. While the Army's need for this land may well be legitimate, I urge the Committee to carefully consider the issue before agreeing to the withdrawal and to require the Army to justify the need for all of the land requested.

My final concern is whether grazing opportunities are being maximized and allocated in a fair manner. Access to quality grazing lands is fairly limited because much of the land is used as secondary impact areas for missile debris and recovery. Also, grazing privileges are sold annually on a competitive bid basis. This results in a significantly higher (AUM) animal unit month price than that paid on other BLM lands which fall under the regulations of the Taylor Grazing Act. Many New Mexicans rely on these lands for grazing and I want to ensure that the Committee develop a means to provide for fair and multiple use of this valuable land.

Mr. Chairman I thank you again for this opportunity to discuss some of my concerns about this bill.

QUESTIONS OF SENATOR JEFF BINGAMAN ON S. 2412.

JULY 17, 1986

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1. The Army has requested the withdrawl of 608,000 acres from the McGregor Range in Otero County, New Mexico. Could the gentleman please explain to me why the Army believes it needs this significant amount of land? And why portions of land north of Highway 506 could not be safely released for multi-use purposes?

2. Have all steps been taken to reduce the negative impacts of range activities on nearby residents, livestock and wildlife?

3. Are mining, grazing, and recreational rights being fully protected in each of the appropriate cases?

4. Have there been Environmental Impact Statements conducted on all the lands included in all the parcels? When were these environmental reviews conducted? Have citizens concerns and complaints in the public hearings required by the EIS been fully addressed?

Senator **Bingaman**. Mr. Cronin should go ahead and respond or would you prefer the other witnesses to go ahead and testify first?

Senator **Hecht**. If you have time, I would like to hear the other witnesses testify and then we will come back. Is that OK?

Senator **Bingaman**. That is fine.

Senator **Hecht**. Let's go on. Mr. John Rittenhouse, please.

STATEMENT OF JOHN O. RITTENHOUSE, DEPUTY FOR INSTALLATIONS MANAGEMENT, DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE, U.S. AIR FORCE

Mr. **Rittenhouse**. Yes, Mr. Chairman. I am John Rittenhouse, the Deputy for Installations Management, U.S. Air Force, in the Office of the Secretary. I am very pleased to appear to testify on Luke Range and Nellis Range withdrawal.

We also have an ancillary interest in the Alaskan Air Command at Fort Wainwright and Richardson, but those are primarily an Army withdrawal.

I have a number of support or resource people I would like to acknowledge, and they would be available for technical questions if that comes up at a later point in time, Mr. Chairman.

Capt. Scott Lashley of the U.S. Marine Corps who represents the Yuma Marine Corps Station which is adjacent to and operates with the Luke Range; Mr. Dale Olson who is the Deputy Civil Engineer at Luke Range, as well as Lt. Col. Andy Espiau who is the range operations officer there; Colonel Bob Herculson of Nellis Air Force Base Range; Maj. Chuck McCrae from the Alaskan Air Command who is down to provide support to the Army if there is any discussion on Forts Richardson or Wainwright.

Also I have Byron D. Bauer of our General Counsel's Office to handle any of the environmental legal issues, and Mr. Jon Peterson of our Real Property Headquarters to support any real property questions there may be.

I would say at the outset that I will submit my statement for the record.

Senator **Hecht**. It will be a part of the record.

Mr. **Rittenhouse**. Thank you, sir. And not burden the committee with a verbal reiteration of those. However, I would say that we have one very positive thing going for us in that we have had a very ample advocate in Senator Goldwater who did a better summary than I could possibly do at the outset of this hearing.

One thing that I would like to point out and that is in all of the instances before us today, we have accomplished full environmental impact statement on both Luke and Nellis, as have the other services in the withdrawals at hand. There were public meetings held and a number of these issues which will be discussed here today have been discussed over the past years.

As Senator Domenici mentioned, we have been at this for a while and we are very pleased to be here to answer any pertinent questions. Our goal is, as Senator Domenici stated, to legitimate these range withdrawals that have been pending before the Congress for quite some time now. And that constitutes my opening statement.

I would like to offer our resource people for whatever specific questions may arise as we go on.

[The prepared statement of Mr. Rittenhouse follows:]

Not for Publication Until Released
By the Subcommittee on Public Lands, Reserved Water
and Resource Conservation
Committee on Energy and Natural Resources
United States Senate

STATEMENT OF

JOHN O. RITTENHOUSE

DEPUTY FOR INSTALLATIONS MANAGEMENT

DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE

(Installations, Environment and Safety)

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER

AND RESOURCE CONSERVATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

JULY 17, 1986

Mr. Chairman and members of the Committee, I am John O. Rittenhouse, Deputy for Installations Management, Deputy Assistant Secretary of the Air Force (Installations, Environment, and Safety). I am pleased to appear before this Subcommittee to discuss S. 2412 which withdraws and reserves 2.945 million acres of public land in southern Nevada to the Department of the Air Force for 25 years, subject to all valid and existing private property rights.

INTRODUCTION

The Nellis Air Force Range comprises the largest air and ground space available in the free world for peacetime military operations. It is designated by the Department of Defense (DoD) as a component of the Major Range and Test Facility Base. The major range and test facilities constitute a national asset - sized, operated, and maintained for DoD test and evaluation support missions. Because of the unique capabilities and characteristics of these facilities, they are also used in support of other U.S. Government agencies and allied foreign governments. Specifically, the Nellis Air Force Range is operated and maintained to satisfy DoD and Air Force requirements for a combat-like training environment. The Military Services, as well as other federal departments and allied foreign governments, use the unique facilities at the

Nellis Air Force Range for test and evaluation, aerial gunnery, tactical maneuvering and air support, electronic warfare, large scale military exercises, and other specialized and integrated force missions. Because of the large expanse of land area required to conduct the testing and training, no other areas are available to accomplish these missions. Furthermore, due to the high cost of developing a range, estimated in the hundreds of millions of dollars, it is unlikely that a range complex such as this could be duplicated in any other area. The continued use of this national asset permits a realistic combat training environment, an element vital to attaining and maintaining our air combat capabilities. These capabilities are essential to the readiness of our tactical forces in defense of this nation. The importance of the Nellis Air Force Range testing and training environment cannot be overemphasized.

BACKGROUND

By Executive Order 8578, October 29, 1940, President Roosevelt established the Las Vegas Bombing and Gunnery Range. Since 1942, the Las Vegas Bombing and Gunnery Range, now the Nellis Air Force Range, has undergone numerous changes through executive orders, public land orders, and administrative actions. For example, the size of the original range has decreased from 3.6 million acres to its present configuration of 2.9 million acres. From the time of the establishment of the Range in 1940 until 1959, co-use was granted to cattlemen and miners. Based on the realization that the Department of Defense would require this area as a permanent range and test facility and that future training and testing would increase, actions were begun to purchase all existing grazing and mineral rights within the current boundaries of the Nellis Air Force Range. The Air Force has expended $724,000 to purchase all private interests within the range with the exception of two patented mining claims which have been subordinated by lease. These actions have been taken to compensate private owners since unrestricted access to the range is not possible because of safety and national security considerations.

INTERRELATIONSHIPS

Department of Energy

Between 1952 and 1961, three public land orders transferred portions of the range to the Atomic Energy Commission, now the Department of Energy, for the development of the Nevada Test Site. The Nevada Test Site is located between the north and south portions of the Nellis Air Force Range. Through a Memorandum of Understanding (MOU), the Air Force has permitted 369,280 acres to the Department of Energy for use as a fully-instrumented test range. This area, located in the upper portion of the North Range, is commonly referred to as the Tonopah Test Range.

Desert National Wildlife Range (DNWR)

The South Range of the Nellis Air Force Range overlaps the western half of the Desert National Wildlife Range (DNWR). The DNWR (1,322,900 acres) is managed by the Department of the Interior, Fish and Wildlife Service, which has primary jurisdiction over these lands. Through an MOU, March 11, 1976, the Air Force and the Fish and Wildlife Service jointly use the overlapping area. The MOU allows the Air Force to establish training and testing sites in specific locations below 3,600 feet mean sea level. These sites are located in the lower elevations to allow for the coexistence of bighorn sheep. The testing and training sites take up 16 percent of the DNWR. All other Air Force activity affecting the DNWR is limited to air space usage.

Bureau of Land Management

The Department of the Interior, Bureau of Land Management (BLM), will manage the land and resources (except the DNWR) under the principle of multiple use. Issuance of agreements, rights-of-way, leases, and easements will be the responsibility of BLM. All such uses and any agreement are secondary to the military use of the land and are authorized only with the concurrence of the Air Force. BLM has primary responsibility for the management of wild horses and burros. The Nevada Wild Horse Range is located in the central portion of the North Range of the Nellis Air Force Range and was established for the protection and welfare of the wild horses and burros.

Five-Party Cooperative Agreement

Under the umbrella of numerous public laws and the principle of multiple use, a five-party cooperative agreement was effected in January 1977. Signatories to this agreement are the Air Force, BLM, Fish and Wildlife Service, Department of Energy, and the Nevada Department of Fish and Game. This cooperative agreement was instituted for the purpose of protecting and managing the natural resources within the boundaries of the Nellis Air Force Range. The cooperative agreement is based upon the concept of shared responsibility which is beneficial to the management of natural resources and to the Air Force range operations. The cooperative agreement states that, "all parties shall cooperate in conducting resource inventory(ies) of the area and in developing resource management plans for wild horses, burros, and fish and wildlife based on the inventory data." We advocate continuing the cooperative agreement to ensure that the needs and concerns of all involved agencies are addressed.

Minerals

The Mining Law of 1872 presently governs the exploration and extraction of hard rock minerals from public lands. This law provides for a system which allows the locator of valuable minerals exclusive right to possession and enjoyment of the surface and subsurface rights, including the right to construct any structures directly related to the mining operation. This system is neither consistent nor compatible with Air Force or Department of Energy operations. Therefore, the public land comprising the Nellis Air Force Range was withdrawn from the operation of the Mining Law of 1872. However, under some circumstances, existing patented claims can be tolerated with military operations. This can only be accomplished by placing access restrictions on the patent holder.

The Mineral Leasing Law of 1920 allows leasing of public land containing deposits of coal, phosphate, sodium, potassium, oil, oil shale, gilsonite, all vein-type solid hydrocarbons, and gas. The exploration for and exploitation of these minerals on withdrawn lands under the concept of multiple use are evaluated by the surface managing agency on a case-by-case basis to determine compatability. If the Air Force, as surface managing agency, determines that multiple use is feasible on a non-interference basis, then BLM, as the responsible federal agency, can issue mineral leases.

Environmental Impact Analysis Process

During preparation of the draft environmental statement, the Air Force and BLM contacted federal agencies, state and local agencies and interested groups and individuals. On May 23, 1977, a letter was issued asking for comments and identification of potential environmental impact. A Range operational briefing was conducted on August 23, 1977, in Reno, Nevada. The briefing was provided to federal and state agencies to assist in their review of potential impacts. Notice concerning the preparation of the environmental impact statement on the withdrawal renewal was published in the Federal Register, Vol. 42, No. 179, September 15, 1977. At about the same time, coverage was provided through local news media. A meeting was held on March 4, 1978, at the BLM State Office to discuss wilderness items and areas of critical environmental concern. Representatives of the Sierra Club, Nevada Outdoor Recreation Association, and the Recreation Department of the University of Nevada at Reno participated in the meeting.

The Draft Environmental Statement was filed with the Environmental Protection Agency (EPA) on July 27, 1979, and released to the public. The notice of availability was published in the August 3, 1979, issue of the Federal Register. News releases were issued by the BLM Nevada State Office to publicize the availability of the Draft Environmental Impact Statement (EIS). A public hearing was held on the Draft EIS on September 18, 1979, in Las Vegas, Nevada. The hearing was announced in the Federal Register notice of August 17, 1979, and was publicized in Nevada through news releases from the Nevada State Office of BLM. The hearing was chaired by a representative of the Nevada office with panel members consisting of representatives of the Air Force and BLM. The Final EIS was filed with EPA in April 1981 and appeared in the Federal Register, Vol. 46, No. 84 on May 1, 1981.

SUMMARY

The Nellis Air Force Range is a unique national asset that is impossible to reproduce anywhere in the continental United States. It provides valuable testing and training for our tactical forces as well as other authorized agencies. The importance of the realistic combat-like training environment is immeasurable as members of this Subcommittee and your staffs have seen firsthand.

This concludes my prepared remarks. Thank you, Mr. Chairman, for the opportunity to explain the Air Force position on S. 2412.

Senator HECHT. Thank you very much.

Mr. Bob Burford.

STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. BURFORD. Thank you, Senator. I appreciate the opportunity to appear in front of this panel to discuss S. 2412. I have a rather lengthy statement which I will enter into the record.

Senator HECHT. It will be a matter of record.

Mr. BURFORD. I think that all eight withdrawals have been adequately described by the preceding witnesses. This bill has the support of the Department of the Interior and we think it is an essential bill, as has been stated by various Senators who have appeared before me.

The bill contains plans for development of land use plans for each installation and for as many nonmilitary uses as the lands are capable of supporting and as will not interfere with military uses.

Technically the bill, S. 2412, would withdraw the lands included within its coverage from all forms of appropriation under the public lands laws. We have been advised by our solicitor that because court opinions differentiate between the public land laws and the mineral leasing and mining laws, there is a question as to whether the bill actually withdraws the lands from mining and mineral leasing.

We believe there may be many areas within the military reservations in which mineral development, oil and gas, as well as hard rock mining could occur in a manner that would not interfere with or impede use of the lands for national defense purposes or present health and safety problems to potential mineral development.

Senator HECHT. Excuse me, Mr. Burford. I have a note by counsel: "Make no mistake; the intent of the bill S. 2412 is to withdraw these lands from all forms of entry, disposal, appropriation, under all laws, including the mining and mineral leasing laws. However, as the chairman stated, if there is sufficient cause to allow limited access for mining and mineral leasing in specific areas, he will consider that testimony on a case-by-case basis."

I just wanted to make that a matter of record during your testimony.

Mr. BURFORD. Well, our recommendation is that the bill be amended to specify permitting mineral development in those areas where the appropriate Secretary of the Army, Navy or Air Force believes that mineral development could take place.

We recognize the necessity of getting approval from the commanding officer or the person responsible for the surface use, but we do think it should not be locked up because some of those minerals and oil and gas are just as necessary to the defense of the United States as is training.

We urge prompt action and would note that it has been about 8 years that these issues have been pending. They have all had EIS' written on them and I would like to see them enacted with the appropriate amendments.

Senator HECHT. Thank you very much.

[The prepared statement of Mr. Burford follows:]

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STATEMENT OF ROBERT F. BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2412, "A BILL TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS."

I appreciate the opportunity to appear before this Subcommittee to discuss S. 2412, a comprehensive bill which would withdraw and reserve lands for eight military installations. It is important that this legislation be enacted as soon as possible in order to firmly establish the land status of the installations. My discussion of each area covered by this bill will demonstrate its importance to national security and defense.

More specifically, section 1 of the bill would withdraw from all forms of appropriation under the public land laws:

(a) approximately 21,576.40 acres of public land in Churchill County, Nevada, as generally depicted on a map entitled "Bravo-20 Bombing Range Withdrawal-Proposed" dated January 1985, and all other lands within the boundaries of the Bravo-20 Bombing Range that are now or may hereafter become subject to the operation of the public land laws for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith. However, S. 2412 would not affect the withdrawals of July 2, 1902, August 26, 1902, and August 4, 1904, under which the Bureau of Reclamation utilizes for flooding, overflow, and seepage purposes approximately 14,750 acres of the withdrawn and reserved lands.

(b) approximately 2,945,000 acres of land in Clark, Nye, and Lincoln Counties, Nevada, as generally depicted on a map entitled "Nellis Air Force Range Withdrawal-Proposed" dated January 1985, for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith. However, except to the extent rendered necessary by national defense, S. 2412 would not affect the National Wildlife Refuge System Administration Act of 1969, as amended, as it applies to the Desert National Wildlife Range; or any Executive order or public land order in effect on the date of enactment of this Act that affects the Desert National Wildlife Range; or any memorandum of understanding between the Department of the Interior and the Department of the Air Force, regarding the administration and joint use of a portion of the Desert National Wildlife Range;

(c) approximately 2,664,423 acres of land in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on a map entitled "Luke Air Force Range Withdrawal-Proposed" dated January 1985, for use of the Department of the Air Force as an armament and high hazard testing area, a training area for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and for other defense related uses consistent therewith. However, except to the extent rendered necessary by national defense, S. 2412 would not affect the National Wildlife Refuge System Administration Act of 1966, as it applies to the Cabeza Prieta National Wildlife Refuge; or any memorandum of understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy regarding the administration and joint use of a portion of the Cabeza Prieta National Wildlife Refuge;

(d) approximately 608,384.87 acres of public land in Otero County, New Mexico, as generally depicted on a map entitled, "McGregor Range Withdrawal-Proposed" dated January 1985, for use by the Department of the Army as a training and weapons testing area, and for other defense related uses consistent therewith;

(e) approximately 571,995 acres of public land in the Big Delta area, Alaska, as generally depicted on a map entitled "Fort Greely Maneuver Area Withdrawal-Proposed" dated January 1985, and approximately 51,590 acres of public land in the Granite Creek area, Alaska, as generally depicted on a map entitled "Fort Greely Air Drop Zone Withdrawal-Proposed" dated January 1985, for use of the Department of the Army for military maneuvers, training, equipment development and testing, and other defense related uses consistent therewith;

(f) approximately 247,951.67 acres of public land in the Fourth Judicial District, Alaska, as generally depicted on a map entitled "Fort Wainwright Maneuver Area Withdrawal-Proposed" dated January 1985, for use of the Department of the Army as a military maneuver area, a training area for artillery firing, aerial gunnery, infantry tactics, and other defense related uses consistent therewith;

(g) approximately 132,928 acres of public land in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Withdrawal-Proposed" dated January 1985, and all other lands within the boundaries of the Chocolate Mountain Aerial Gunnery Range that are now or may become subject to the operation of the public land laws, for use of the Department of the Navy as a testing and training area for aerial bombing, missile firing, tactical maneuvering and air support, and for other defense related uses consistent therewith; and

(h) the Federal land located within the boundaries of the Naval Weapons Center, within Inyo, Kern, and San Bernardino Counties, California, comprising approximately 1,100,000 acres, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal-Proposed" dated January 1985, for use of the Department of the Navy as a research, development, test and evaluation laboratory, and range for air warfare weapon and weapon systems, a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and for other defense related uses consistent therewith.

Section 2 would require the Secretary of the Interior, as soon as practicable after the date of enactment of this Act, to publish in the Federal Register a notice of the legal description of each area withdrawn under section 1 and to file with the Congress a map and legal description of each of those areas. Specific offices are listed in which the maps and legal descriptions would be required to be available for public inspection.

Section 3(a) would require the Secretary of the Interior to manage the withdrawn lands and their resources, to the extent possible, in accordance with the Federal Land Policy and Management Act of 1976 and other applicable laws. The uses for which the lands could be managed include grazing, wildlife habitat, control of predatory animals and the prevention and suppression of brush and range fires resulting from nonmilitary activities. The Secretary of the Interior would also be responsible for issuance of easements and rights of way over the lands withdrawn and reserved by S. 2412. These uses would be secondary to the military uses of the lands that are specified in section 1 of the bill, and would require the concurrence of the Secretary of the concerned military department.

The lands within the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge would be required to be managed by the Secretary of the Interior in accordance with the National Wildlife Refuge System Administration Act of 1966 as amended, except to the extent that other uses are required for purposes of national defense.

Section 3(b) would require the Secretary of the Interior and the Secretary of the concerned military department to develop a land use plan and management program for each of the withdrawn areas within 5 years after the date of enactment of S. 2412. In developing the management plans for the Fort Greely Maneuver Area, the Fort Greely Air Drop Zone and the Fort Wainwright Maneuver Area, the Secretary of the Interior would be required to consult with other Federal agencies and the State of Alaska and to include in the plan a fire management plan which considers habitat improvement and other resource values.

In addition, within 1 year of enactment of the Act, the Secretaries of the Interior and the Army and the State of Alaska would be required to develop an agreement for the management, conservation and enforcement of fish and wildlife resources on land withdrawn by this Act in Alaska.

Section 4(a) would authorize the Secretary of the appropriate military department to control the military use of the lands and to authorize other military departments to use the land or the public to use the land for recreation, hunting, fishing and trapping, to the extent the Secretary determines.

Section 4(b) would authorize the Secretary of the military department concerned to close to the public, for the minimum time necessary, any road or trail commonly in public use when such action is necessary for military operations, public safety or national security. The Secretary would be required to keep appropriate warning notices posted during closures.

Section 4(c) would require the Secretary of the concerned military department to take necessary precautions to prevent and suppress brush and range fires, within and outside of the withdrawn lands, that result from the military use of the land. It would authorize that Secretary to seek the assistance of the Bureau of Land Management in suppression of such fires.

Section 4(d) would give the responsibility for managing wild horses and burros on the land withdrawn for the Naval Weapons Center, China Lake, to the Secretary of the Navy and would authorize the use of helicopters and motorized vehicles for their management and control.

Section 4(e) would authorize the Secretary of the Navy to use sand, gravel or similar mineral or mineral material resources for construction needs of the Naval Weapons Center, China Lake.

Section 5 would require the Secretary of the Interior and the Secretary of the concerned military department to enter into a Memorandum of Understanding for each area withdrawn under section 1, to implement the management plans developed under 3(b). Each Memorandum of Understanding would require the Director of the Bureau of Land Management to provide assistance in the suppression of fires resulting from the military use of the withdrawn land, if such assistance is requested by the Secretary of the concerned military department. Such memorandums of understanding would be effective for the same length of time as the withdrawal established by S. 2412 is in effect. The section would also continue in effect existing memorandums of understanding relating to the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge.

Section 6(a) would provide that the land withdrawals under S. 2412 shall terminate 25 years after the date of enactment of the bill, unless the Secretary of the Interior decides, in accordance with section 6(c), not to accept jurisdiction of lands which are not decontaminated. In that case the withdrawals would continue under the provisions of the bill.

Under section 6(b), at least 3 years before the termination date, the Secretary of a military department would be required to make a determination as to whether there is a continuing need for any of the withdrawn lands and to notify the Secretary of the Interior of that determination. If there is a continuing military need for any of the lands, the Secretary of the concerned military department would be required to file with the Secretary of the Interior an application for extension of the withdrawal. Upon filing of the application, the withdrawal and reservation would remain in effect pending processing of the application, decision and action thereon by the Secretary of the Interior, and where required by the Engle Act, by Congress.

If the concerned Secretary concludes that after the termination date provided in S. 2412 there will be no military need for any or all of the withdrawn land, or if, during the period of withdrawal, the Secretary decides to relinquish any or all of the lands, he would be required to file with the Secretary of the Interior a notice of intention to relinquish.

Before filing the notice, the Secretary would be required to determine and certify to the Secretary of the Interior whether and to what extent the lands proposed for relinquishment are contaminated with explosives or toxic or other hazardous materials. The Secretary of the Interior would be required to publish in the Federal Register the notice of intention to relinquish and the determination concerning the contaminated state of the lands.

If the lands to be relinquished are contaminated, section 6 would require the Secretary of the concerned military department to determine, in coordination with the Secretary of the Interior, if decontamination of the lands is practicable and economically feasible, and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws. If decontamination is determined to be feasible, the Secretary of the military department concerned would be required to decontaminate the lands, unless Congress declines to appropriate funds for the project.

If the Secretary of the concerned military department and the Secretary of the Interior conclude that decontamination is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for the decontamination of the lands, the Secretary of the Interior would not be required to accept the lands proposed for relinquishment.

In that case section 6(c) provides that the withdrawal and reservation would continue indefinitely and the lands would be managed in accordance with S. 2412. The Secretary of the concerned military department, in coordination with the Secretary of the Interior, would be required every 5 years, beginning 5 years after the date of termination established by the Act to determine whether decontamination is practicable and economically feasible. If the Secretaries conclude that it is, considering the potential future use and value of the lands and that upon decontamination the lands could be opened to the operation of the public land laws, including the mining laws, the Secretary of the military department would be required to decontaminate the lands, unless Congress declines to appropriate funds for the project. Once any of the withdrawn lands are certified by the Secretary of the concerned military department to be free from contaminants and safe for all nonmilitary uses, the Secretary of the Interior would be required to reconsider accepting jurisdiction over the lands.

Section 6(d) would authorize the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction of the lands, to revoke the withdrawal and reservation as it applies to the lands proposed for relinquishment.

The Secretary of the Interior would be required to publish in the Federal Register an appropriate order which would terminate the withdrawal and reservation, constitute official acceptance of his full jurisdiction over the lands and state the date the lands would be opened to the operation of the public land laws, including the mining laws.

Section 7 authorizes delegation of the Secretaries' authority. However, section 7(b) restricts the authority to accept a notice of intention to relinquish lands, and the authority to publish the revocation order to the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

Section 9 of S. 2412 would provide that nothing in the Act shall be construed to establish a reservation of water to the United States or as authorizing the appropriation of water on the lands covered by the Act except in accordance with the established law of the State in which the lands are located.

Section 10 of the bill provides that all hunting, fishing and trapping on the withdrawn lands shall be conducted in accordance with 10 United States Code 2671 except that in the Desert National Wildlife Range and the Cabeza Prieta National Wildlife Refuge, those activities would be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966.

Legislation is required for the proposed withdrawals under the requirement of section 2 of the Act of February 28, 1958, the so-called Engle Act, that withdrawals of more than 5,000 acres of public land for any one project or facility of the Department of Defense shall be accomplished only by an Act of Congress.

We strongly support the enactment of S. 2412. As I said earlier, each of the military installations that would be withdrawn by this bill and reserved for military purposes is an essential element in our national defense and essential to our national security. I will discuss each installation briefly, in the order in which it appears in S. 2412.

Bravo-20 Bombing Range

Of the approximately 21,576 acres described in section 1(a) approximately 14,750 acres are already withdrawn for use by the Bureau of Reclamation. That withdrawal is being reviewed in accordance with section 204(l) of the Federal Land Policy and Management Act of 1976. While it is possible that the Bureau of Reclamation's withdrawal may be reduced in size as a result of the review, it is probable that the Bureau of Reclamation will have a continuing need for much of the 14,750 acres for the foreseeable future. For this reason, it is anticipated that the proposed withdrawal for the Bravo-20 Range and the existing Bureau of Reclamation withdrawal will overlap to some degree. The joint administration of the lands in the overlap area would be covered by a memorandum of understanding that would be executed pursuant to section 5 of S. 2412.

An additional 19,430 acres of acquired lands, which are interspersed with the public lands in a "checkerboard" pattern, are also used by the Navy for range purposes. Under the terms of the bill, those lands would also be withdrawn and reserved for use of the Department of the Navy should they ever become subject to the public land laws.

No locatable minerals are known to exist on the land and no mining claims have been recorded. There are no oil and gas leases within the perimeter of the range. However, there are several oil and gas leases outside of, but adjacent to, the range boundary. The land is also valuable for geothermal and sodium resources. There are no active geothermal or sodium leases on the lands, although there are sodium leases outside of, but immediately adjacent to, the range.

An assessment of the environmental effects of the Navy's expected activities was prepared by the Department of the Navy and published in January 1980. The assessment concluded that continuation of the Navy's activities at Bravo-20 would not have a significant impact on the quality of human environment, and that a detailed Environmental Impact Statement is not required to comply with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Nevada State Office of the Bureau of Land Management found the environmental assessment acceptable and concurred in its conclusions.

Nellis Air Force Range

Nellis Air Force Range, referred to in section 1(b) and formerly called the Las Vegas Bombing and Gunnery Range, was established by Executive Order 8578 on October 29, 1940. Since then, the range has been the subject of two additional Executive Orders, nine public land orders, two memorandums of understanding, and two public laws.

Indian Springs Auxiliary Field, which is contiguous to, and provides support for, Nellis Air Force Range, was originally withdrawn by Public Land Order 58 on November 12, 1942. Three additional public land orders increased the acreage withdrawn for the installation to its present size of approximately 2,945,000 acres.

Public Land Orders 805, 1382, and 2568 transferred portions of Nellis Air Force Range to the Atomic Energy Commission (now the Department of Energy) for development of the Nevada Test Site located between the north and south portions of the Nellis Range. The lands comprising the Nevada Test Site are no longer a part of Nellis Air Force Range and would not be withdrawn by the draft bill.

In November 1956, through a memorandum of understanding, the Air Force permitted the Atomic Energy Commission to utilize an additional 369,280 acres of the Nellis complex as a fully instrumented ballistic test range. This area, which is located in the northern portion of the existing Nellis Air Force Range, is referred to as the Tonopah Test Range. The Air Force also entered into an agreement in November 1963, for use by the Atomic Energy Commission of 167,960 acres which are used to conduct underground explosion testing.

Approximately 826,000 acres of Nellis Air Force Range overlap the western one-half of the Desert National Wildlife Range, which was first established by Executive Order 7373 of May 20, 1936. The Desert National Wildlife Range is administered by the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.). A March 11, 1976, memorandum of understanding between the Department of the Interior and the

Department of the Air Force established the responsibilities and rights of the two Departments regarding the administration and joint use of the overlap area. It is anticipated that the existing relationship between the two Departments will remain unchanged, except as mutually agreed by their Secretaries. Certain provisions of this legislation raise questions in that regard. We will be glad to provide language to the Committee staff that would eliminate any possible confusion over management of the National Wildlife Refuge System lands covered by the withdrawal.

The Act of September 26, 1961 (75 Stat. 672), withdrew an additional 81,480 acres for the installation. That area is included in the 826,000-acre area that overlaps the Desert National Wildlife Range.

The withdrawal created by the 1961 Act expired on September 25, 1976, and the withdrawal created by the three Executive Orders and the three public land orders expired on February 16, 1977.

In 1976, the Corps of Engineers, acting on behalf of the Air Force, filed two applications seeking continued use of almost all of the previously withdrawn land, plus an additional 2,880 acres to replace 1,600 acres of the 1961 withdrawal that had been relinquished by the Air Force and transferred to the U.S. Fish and Wildlife Service for use in connection with the Desert National Wildlife Range. The area covered by the 1976 and 1977 applications totaled approximately 2,945,000 acres.

On November 13, 1981, the Air Force amended the Nellis Air Force Range withdrawal application to add approximately 89,600 acres of public land, known as the Groom Mountain area, increasing the area involved in the proposed withdrawal to approximately 3,035,000 acres. The 89,600-acre area was identified by the Air Force as being required for national security purposes.

Draft legislation to withdraw the 3,035,000-acre area was sent to the 98th Congress and introduced as H.R. 4932. However, in its stead on October 17, 1984, Public Law 98-485 was enacted. That Act withdrew the Groom Mountain area until December 31, 1987, and reserved the lands for use by the Secretary of the Air Force until that time for training for electronic warfare, tactical maneuvering, and air support and for other defense-related purposes consistent with, and involving no greater adverse impact on the withdrawn lands and their resources than, such training. The Act also required the Secretary of the Interior and the Secretary of the Air Force to issue, not later than January 1, 1987, an environmental impact statement concerning the continued or renewed withdrawal of the Groom Mountain area after December 31, 1987.

Section 1(b) of S. 2412 covers only the 2,945,000 acres that were originally proposed for withdrawal by the Air Force.

Mineral commodities found in the Nellis Air Force Range are gold, silver, copper, lead, zinc, mercury, tungsten, sand, gravel, and limestone. Gypsum and limestone are probably the most valuable commodities produced in the vicinity of the range. They are not presently being produced in the range. Significant amounts of lead, silver, copper, and zinc have been recovered from the Groom mine located within the Groom Mountain area that was added to the range in 1984 by Public Law 98-485. Within those portions of the range that have been studied for mineral content, most of the metalliferous mineral deposits consist of gold-silver minerals, occurring as fissure filings and replacements in shear zone. Some deposits also contain lead, zinc, and copper. Several occurrences of tungsten and molybdenite have been found in one area. Another area has potential for oil and gas development.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Air Force to continue its military activities at Nellis Air Force Range. The environmental impacts associated with those activities are minor over the Nellis Air Force Range generally, although some activities will continue to have significant impacts in specific locations. A joint Bureau of Land Management/Department of the Air Force Final Environmental Impact Statement concerning the proposed withdrawal of the 2,945,000-acre area was issued in 1981.

Luke Air Force Range

A portion of the lands comprising what is now Luke Air Force Range was withdrawn and reserved for use as an aerial gunnery range by Executive Order 8892 of September 5, 1941. Since then, the range has been the subject of three additional Executive Orders, five public land orders, one special use permit, several memorandums of understanding, and one public law, the Act of August 24, 1962 (76 Stat. 399).

By its terms, the 1962 Act withdrew 479,100 acres (a later survey established that the area withdrawn actually comprised 485,661 acres) for an initial 10-year period with an option to renew the withdrawal for 5 years. The option was exercised by the Air Force and the withdrawal created by the Act expired on August 23, 1977. In April 1977, the Corps of Engineers, acting for the Air Force, filed an application to withdraw again the lands covered by the 1962 Act, and, in addition, approximately 17,131 acres which has been used by the Air Force under a Special Land Use Permit. It was subsequently concluded that management efficiency would be increased if all of the lands comprising the range were withdrawn through one action. Thus, the draft bill would withdraw all of the land comprising the existing installation, plus the 17,131 acres proposed for addition to the installation.

Gila Bend Air Force Auxiliary Field, a satellite installation of Luke Air Force Base, Arizona, is located within, and provides support for various operations conducted in the eastern portion of, Luke Air Force Range. Approximately 1,885 acres of the range complex have been set aside for purposes connected with that facility.

Under a 1958 cooperative agreement between the Department of the Navy and the Department of the Air Force, the airspace above the land comprising Luke Air Force Range has been divided into two parts. The eastern section (approximately 1,651,235 acres) is controlled by the Air Force through Luke Air Force Base, while the western section (approximately 1,013,188 acres) is controlled by the U.S. Navy through the U.S. Marine Corps Air Station, Yuma, Arizona.

The Cabeza Prieta National Wildlife Refuge, consisting of approximately 860,000 acres, also comprises a portion of the lands within Luke Air Force Range. The refuge was established by Executive Order 8038, of January 25, 1939, prior to the establishment of the military installation. Executive Order 8892, which established the withdrawal for Luke Air Force Range, specified that it took precedence over, but did not rescind or revoke, Executive Order 8038. Pursuant to Executive Order 9526, of February 28, 1945, jurisdiction over the lands vested in the Department of the Interior at the expiration of the 6-month period following the termination of the unlimited national emergency proclaimed by Proclamation No. 2487 of May 27, 1941. Proclamation No. 2974, of April 28, 1952 terminated that national emergency. The Cabeza Prieta National Wildlife Refuge is administered by the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 6688dd *et seq.*).

Military involvement with the Cabeza Prieta National Wildlife Refuge consists of a limited use of its air space. A March 25, 1975, memorandum of understanding between the Department of the Interior, the Department of the Air Force, and the Department of the Navy established the rights and responsibilities of the three Departments regarding the administration and joint use of the overlap area. It is anticipated that the existing relationship between the Departments will remain unchanged, except as mutually agreed by their Secretaries. We will be glad to provide language to the Committee staff that would eliminate any possible confusion over management of the National Wildlife Refuge System lands covered by the withdrawal.

A mineral report prepared by the Arizona Department of Mineral Resources in support of the Air Force withdrawal application concluded that while there is some potential for mineral development, there is insufficient data or unpublished information relating to the geology, minerals or energy resources of the lands comprising the range. Prospecting and sporadic mining were conducted on the area until 1941 when the first withdrawal of the range occurred.

Since there is very little available information regarding the mineral potential of the lands, it is not possible at this time to identify what, if any, effect the proposed use will have on the development of mineral resources. However, in view of the military importance of Luke Air Force Range, it has been concluded that the withdrawal should be renewed. Although the contaminated state of the lands may preclude mineral development of the range in the near future, other factors, such as changes in military weaponry or combat techniques, more sophisticated or cheaper decontamination methods, or the scarcity of minerals which may be present on the range, suggest that a mineral report should be accomplished. For this reason the Department of the Interior and the Department of the Air Force have agreed that the Department of the Interior will request funds for the proposed assessment and, if funds are obtained, will prepare the mineral report which will be transmitted to Congress.

Because many of the weapons used at Luke Air Force Range have failed to detonate, significant portions of the range are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

Among the environmental impacts associated with continued military activities on the area proposed for withdrawal will be continued restriction of access to and public use of the Luke Air Force Range and the Cabeza Prieta National Wildlife Refuge. Probable uses foregone would be recreation, livestock grazing, and mineral exploration and development. Sonic booms will detract from the wilderness experience of users and target debris will detact from the visual resources of the Cabeza Prieta National Wildlife Refuge. Adverse effects on surface resources will include soil disturbance, vegetation removal, and the loss of wildlife habitat and some wildlife. A joint Bureau of Land Management/Department of the Air Force Environmental Impact Statement on the proposed withdrawal was issued in July 1981.

McGregor Range

The lands in McGregor Range referred to in section 1(d) of S. 2412 were originally withdrawn by two public land orders in 1957. These withdrawals have expired.

Since 1957 the lands have been used continuously by the Army for weapons testing and training purposes, including tactical training, missile firing and artillery training. Because many of the weapons used during those exercises failed to detonate, significant portions of the range are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

The locatable minerals which occur on the range are gypsum and high calcium limestone. Although the United States Geological Survey has classified most of the lands in the range as prospectively valuable for oil and gas, no commercial production has been obtained.

Enactment of this legislation will not, in itself, have significant environmental impacts, but will allow the Department of the Army to continue its military activities at the McGregor Range. The environmental impacts associated with those activities are generally minor, although some activities could have significant impacts. A Final Environmental Impact Statement concerning the proposed withdrawal of the area was prepared and issued by the Department of the Army in cooperation with the Department of the Interior.

Fort Greely Maneuver Area

The Fort Greely Maneuver Area, referred to in section 1(e) of S. 2412 comprising approximately 571,995 acres of public land, would be used as a testing area for weapons and equipment, and a training area for aerial gunnery, tactical maneuvering, and air support. The Fort Greely Air Drop Zone, comprising approximately 51,590 acres of public land, would be used for experimental air drops, airborne training, and the testing of clothing and equipment. The involved lands are located about 105 miles southeast of Fairbanks, Alaska.

The Fort Greely Maneuver Area has been used by the Department of the Army since the early 1950's for training and testing purposes. The land was withdrawn by the Act of September 26, 1961 (75 Stat. 687), for a 10-year period with an option to renew the withdrawal for an additional 5 years. The option was exercised and the withdrawal expired on September 25, 1976. On May 14, 1975, the Department of the Army filed an application to withdraw again the lands that had been withdrawn by the 1961 Act.

The Fort Greely Air Drop Zone has been used by the Department of the Army since the mid-1950's as an air drop testing site and a training area. The land was withdrawn by the Act of October 3, 1961 (75 Stat. 749), for a 10-year period with an option to renew the withdrawal for an additional 5 years. The option was exercised and the withdrawal expired on October 2, 1976. On May 7, 1975, the Department of the Army filed an application to withdraw again approximately 36,900 acres of the 51,590 acres that had been withdrawn by the 1961 Act. The application was later amended to include the remaining portion of the 51,590-acre tract.

Mineral commodities in the area proposed for withdrawal are sand, gravel, gold, molybdenum, and coal. The coal resources of the area are estimated at 75 million tons, but are largely undeveloped. The area is considered to have a low potential for oil and gas development.

Because many of the weapons used at the proposed withdrawal areas have failed to detonate, significant portions of the lands proposed for withdrawal are heavily contaminated. Decontamination of the lands, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Army to continue its military activities on the area proposed for withdrawal. The environmental impacts associated with those activities are generally minor, although some activities could have significant impacts. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Army.

Fort Wainwright Maneuver Area

The lands proposed for withdrawal in the Fort Wainwright Maneuver Area, referred to in section 1(f) were first used by the Department of the Army in 1957 under a permit issued by the Bureau of Land Management. The Act of September 26, 1961 (75 Stat. 686), withdrew the lands for a 10-year period with an option to renew the withdrawal for an additional 5 years. The option was exercised and the withdrawal expired on September 25, 1976. On May 11, 1975, the Department of the Army filed an application to again withdraw the lands that had been withdrawn by the 1961 Act.

The Fort Wainwright Maneuver Area is located approximately 16 miles east southeast of Fairbanks and immediately east of Eielson Air Force Base. It is used primarily by elements of the U.S. Army's 172nd Infantry Brigade (Alaska) as a maneuver and training area. The Air Force operates a communications station and a winter survival school within the Maneuver Area.

Because many of the weapons used at the Fort Wainwright Maneuver Area have failed to detonate, significant portions of the lands proposed for withdrawal are heavily contaminated. Decontamination of the lands, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

No major sources of minerals have been identified in the withdrawal area. The area is outside of the Middle Tanana Basin oil and gas province which has only a low potential for oil and gas development. Two placer deposit areas for gold, tin and tungsten are located in the northeastern portion of the site. However, mining activity in the area has been confined primarily to sand and gravel extraction operation.

Enactment of this legislation will not, of itself, have significant environmental impacts, but will allow the Department of the Army to continue its military activities at the Fort Wainwright Maneuver Area. The environmental impacts associated with those activities are generally minor, although some activities could have significant impacts. An Environmental Impact Statement concerning the proposed withdrawal has been prepared and issued by the Department of the Army.

Chocolate Mountain Aerial Gunnery Range

Section 1(g) of S. 2412 would withdraw 132,928 acres of the Chocolate Mountain Aerial Gunnery Range. The entire Chocolate Aerial Gunnery Range is comprised of a total of approximately 458,916 acres of land and is divided into two ranges. The northern portion, totaling approximately 208,388 acres located in Imperial and Riverside Counties, California, is comprised of approximately 113,948 acres of formerly private lands that were acquired by the Navy in 1942-43, and approximately 94,440 acres of public lands. The public lands in the north range were originally withdrawn by Public Land Order No. 281, of June 6, 1945. That public land order was amended by Public Land Orders No. 2312 of March 24, 1961, and No. 5759 of September 26, 1980; however, the withdrawal established by Public Land Order No. 281 remains in effect and the lands withdrawn by that action are not included in the withdrawal now being proposed by the Department of the Navy.

The southern portion of the Chocolate Mountain Aerial Gunnery Range is comprised of approximately 250,528 acres, all in Imperial County, including approximately 132,928 acres of public lands and approximately 117,600 acres of formerly private lands that have been acquired by the Navy. The 132,928 acres of public lands were originally used by the Navy under authority of the Second War Powers

Act, 1942 (56 Stat. 176). Letter permits issued to the Navy by the Department of the Interior on April 17, 1950, and April 13, 1953, authorized the continued use of the public lands. The Act of September 6, 1963 (77 Stat. 152), withdrew the lands in the southern portion of the range for use of the Navy. By its terms, that law withdrew approximately 252,126 acres of land (a later survey established that the withdrawn area actually comprised 250,528 acres) for a 5-year period with an option to renew the withdrawal for an additional 5 years. The 252,126 acres withdrawn by the 1963 Act included all public and private lands in the southern portion of the range. The 5-year renewal option granted by the 1963 Act was exercised. The withdrawal expired on September 6, 1973. On January 11, 1974, the Department of the Navy filed an application to withdraw again the lands that had been withdrawn under the 1963 Act.

The economic geology of the southern part of the range is largely unknown. Except for prospecting and the mining of small gold deposits, the area has not been subjected to modern exploration and newer geologic concepts relating to ore deposition that have been developed over the last 40-50 years. There is now strong evidence that the southern part of the range is part of a significant new gold province that extends beyond the range and that new discoveries are being made in areas south of the range which are open to mining. The presence of economic deposits of base metals, such as of copper, lead and zinc, in addition to tungsten, cannot be established largely because of the similar lack of detailed study and exploration. The area has been determined to be prospectively valuable for geothermal steam and associated geothermal resources. Drilling in the past did not reveal any shallow potential for petroleum and no deep potential is anticipated.

The lands involved in the proposed withdrawal have been used continuously by the Navy since World War II for weapons testing and training purposes. Because many of the weapons used during those exercises failed to detonate, significant portions of the range, both inside and outside the primary target area, are heavily contaminated. Decontamination of the range, to the extent that public use or mineral exploration could be certified as safe, would be difficult to achieve at the present time because of the relatively primitive state of existing technology and the expense of available decontamination methods.

China Lake Naval Weapons Center

Ninety percent of the land in the Naval Weapons Center, China Lake was withdrawn by three documents: Public Land Order 431 (1947), for the China Lake complex; Public Land Order 673 (1950), for Randsburg Wash Test Range; and Public Law 83-161 which expired on October 29, 1978, for the Mojave B Ranges. The balance of the land within the boundaries of these withdrawals, amounting to 10 percent, was acquired from private owners by condemnation or by land exchange with the State of California.

S. 2412 would encompass both the public domain and the acquired lands.

A small withdrawal of 3,800 acres by Public Land Order 3450, September 23, 1964, provides an access route between the China Lake Range Complex and the Mojave B - Randsburg Wash Ranges. This withdrawal protects a Navy-constructed and maintained road and utility corridor. Nonmilitary uses of this strip are possible so long as they do not interfere with the military mission and provided there is no unauthorized use or obstruction of the Navy road or utility lines by nonmilitary operations. This road leads to the highly restricted area of the Electronic Warfare Threat Environment Simulation facility and its complementary ranges. Explosives are also hauled on this road. For these reasons it is patrolled by Navy security officers.

The Naval Weapons Center was established in the autumn of 1943 as the Naval Ordnance Test Station Inyokern at China Lake, California. The initial activity had a dual purpose: to support rocket development work of the California Institute of Technology in testing air-launched rocket weapons and to provide training in the use of these weapons. A long-range objective was the establishment at the Station of a civilian-military nucleus from which advanced postwar research, test and evaluation of naval air weaponry would emerge.

From its beginning in 1943 as a naval ordnance test station, the mission of Naval Weapons Center has evolved in response to technological advances to include work on sophisticated guided missiles, anti-radiation weapons; laser-guided weapons; avionics for updated, modernized air weapons platforms; electronic warfare; countermeasures and military operational tactics development. Innovative concepts originated and carried through to operational integration in the armed services have contributed to progress in air warfare and anti-air threat defenses throughout the free world during the 40-year existence of the Naval Weapons Center.

Contamination from four decades of high explosive ordnance use on the ranges requires careful precautions to protect human life and safety.

Two major land areas constitute the Naval Weapons Center -- the China Lake complex, 604,949 acres, and the Mojave "B"/Randsburg Wash Test Range complex, 497,548 acres. Minor acreages for the Mojave "B"/Randsburg Wash Test Range access road and miscellaneous rights-of-way bring the total to 1,102,497 acres.

Both the China Lake complex and the Mojave "B"/Randsburg Wash complex are located in the upper Mojave Desert of Southern California.

The China Lake complex lies in the counties of Inyo, Kern, and San Bernardino. The Mojave "B"/Randsburg Wash complex is entirely within San Bernardino. Its eastern perimeter abuts the Fort Irwin Military Reservation, and the northeast corner is one-half mile southwest of Death Valley National Monument.

The Naval Weapons Center headquarters, located at the China Lake complex, is situated 120 air miles northeast of Los Angeles, California, in the extreme northeast corner of Kern County, California.

The incorporated City of Ridgecrest, population 12,950 (1 September 1973), adjoins the Center's headquarters area boundaries on the west and south.

Other nearby communities are Inyokern, unincorporated, 10 miles west, population 700: and the Searles Lake communities, 18 miles east. The Searles Lake communities are a series of closely spaced unincorporated company towns that support three chemical companies mining Searles Lake deposits. These are West End, Borosolvay, Argus, and Trona. Their combined population is approximately 3,500.

The two major sources of income to this area are derived from China Lake Naval Weapons Center and mining. A large percentage of the people residing in the Ridgecrest derive an income from the China Lake Naval Weapons Center. In addition, a substantial amount of funds are presently being expended to enhance the test facilities at China Lake and the adjacent ranges. Renewal of this withdrawal will ensure future expansion of the test facilities on adjoining ranges and support the economic growth in the region.

Mining, which is the second largest source of income in the area, is primarily done by the Searles Lake Chemical Corporation and Kerr McGee. These two plants are based in the Searles Lake Valley and extract minerals from Searles Dry Lake.

A limited amount of ranching and prospecting occurs on the lands surrounding the North and South Ranges. However, the area is not potentially economical for either activity on a large scale at the present time.

Since this withdrawal is a continuation of an existing use, there will be no change in county planning for these lands. The entire withdrawal application is within the California Desert Conservation Area. Although the subject lands have not been considered within the scheme of the Desert Wide Land Use Plan, the adjoining public lands are considered an intricate part of the overall desert plan.

We have these general comments about the bill:

S. 2412 would withdraw the lands included within its coverage from all forms of appropriation under the public land laws. We have been advised by our Solicitor that because court decisions differentiate between the public land laws and the mineral leasing and mining laws, there is a question as to whether the bill actually withdraws the lands from mining and mineral leasing. We believe there may be many areas within the military reservations in which mineral development, oil and gas as well as hardrock, could occur in a manner that would not interfere with or impede use of the lands for national defense purposes or present health and safety problems to potential mineral developers. We believe those areas should not be "locked up" or closed to mineral development. We recommend that S. 2412 be amended to specifically permit mineral development in those areas where the Secretary of the Interior determines it would be appropriate and the Secretary of the concerned military installation concurs in that determination. We will be happy to work with the Committee staff in developing language of amendment.

We call your attention to the fact the Army has sought to reserve 5,525,000 gallons of water per day (McGregor Range); 5,000,000 gallons of water per day (Fort Wainwright Maneuver Area); and 1,500,000 gallons of water per day for

(Fort Greely Maneuver Area and Fort Greely Air Drop Zone) - in order to assure that the water is immediately available in the event of a national emergency.

S. 2412 does not address this matter. We defer to the Army on this issue.

In summary, we believe it is extremely important that the withdrawal status of these military installations be positively established quickly. We defer to the Defense Department for more specific information on the need for the lands involved in this bill.

This concludes my statement. I will be pleased to answer questions.

Senator HECHT. Senator Bingaman, you were here first.

Senator BINGAMAN. I just was interested in Mr. Cronin responding on some of the issues that Senator Domenici raised in his statement and I also mentioned, both on the amount of land being withdrawn at McGregor and the water rights issue and the grazing issue—if you have comments.

Mr. CRONIN. Mr. Chairman, there are supporting witnesses here: Lieutenant Colonel Laspada who is the range commander at McGregor range is here, prepared to go into considerable detail with respect to the utilization of the entire range complex.

We also have Mr. Peter Lequerique who is the Army's water expert, who can testify in specifics as to the need.

But let me start off, if I may, to cover things in general. There is a prevailing concept apparently down in that part of the country that all the area is not being used, and we have come to a realization that there seems to be a misunderstanding of the Army's use in the area.

Colonel Laspada has invited people in the area to attend briefings which were set up with them to go into full detail with respect to how the range is utilized and what the limitations on use by others must be, and what controls there must be in the area if the mission of the complex is to be carried out.

Basically, there are three types of impact areas which, if we don't control the lands, will cause enormous problems. There is a primary surface danger zone where land areas are subject to direct impact from missiles and weapons systems. There is a secondary danger zone which is where areas are subject to impact from debris which results when missiles or target aircraft are destroyed in flight.

And then, finally, there are laser fans, areas dangerous to human eyes. The primary danger zone for the McGregor range corresponds roughly to the area south of State Highway 506 and west of the Mesa rim. The secondary danger zone extends——

Senator BINGAMAN. Do you have a map of the range?

Senator HECHT. You can continue, sir, and we will get the map up.

Mr. CRONIN. The contention seems to be that the area north of State Highway 506 and lands east of the Mesa rim are not being utilized. As Colonel Laspada will show, the red line proceeding across the map in a westerly-easterly direction is the highway 506.

He will also point out the lands which are east of the Mesa rim.

Now, the secondary danger zone extends from the primary danger zone, or proceeds northward from State Highway 506 to cover most of the area north of the highway as well as the Mesa. The laser fan extends north of highway 506 and east of the Mesa rim.

To summarize all this, there are sufficient indications of the use of these areas over the years to, in our opinion, require the continued use of full control of those areas.

Senator BINGAMAN. Could I ask on the laser fan, what laser is anticipated there? What is it that is dangerous to eyesight?

Mr. CRONIN. Colonel Laspada would have to respond to that, sir.

Colonel Laspada: Do I need to sit behind a chair?

Senator HECHT. No, sir.

Colonel **Laspada**. Mr. Chairman, Senator Domenici, and Senator Bingaman, the laser fan is primarily a weapons laser and aiming device for the weapons that are being tested north of McGregor and it does have danger to the human eyes. And in accordance with Department of the Army air regulations on defining areas for that, the fan that is drawn to support that weapons testing does lie east on the Mesa rim.

Senator **Hecht**. Could you identify yourself for the record?

Colonel **Laspada**. Lt. Col. Tony Laspada, range commander, McGregor range.

I will show you that fan also. This is the Herc fan, the Hercules Missile Firing Fan, which defines the secondary danger which is primarily debris that occurs on the range. We have also prepared a response back to your office, Senator, detailing the specifics.

Over a 5-year period we have done a survey and the debris is rather consistent throughout, north of 506 for this. For the Mesa, we have had something like 97 percent of the Hercules missiles that are fired impact on the top of the Mesa. I think that comprises about 140 missiles exploding debris in the secondary danger zone on the Mesa.

BLM has operated a camp on the range. They are making provisions to move off the range because they recognize the danger there. What they have done in the past is just to evacuate the people during the missile firings. We are asking them to move their camp off of the range completely.

The laser fan that Mr. Cronin described, again the line of the Mesa, the blue line depicts the laser danger. And I will address later the impact on grazing. We do not encroach on the grazing that BLM has because of the laser, because during the time that the laser is in effect we notify BLM and they are not to be within that laser range.

Senator **Bingaman**. How does that work? You are saying that cattle can graze there except when the lasers in——

Colonel **Laspada**. Cattle can graze there anytime. It is built into the contract that the rancher accepts liability of damage to the livestock in the impact areas vis-a-vis surface impact areas or laser impact areas. They accept that liability in doing business with BLM.

Senator **Bingaman**. I still did not understand. You are saying that the laser—what does the laser have to do with the grazing?

Colonel **Laspada**. We don't want BLM, we don't want ranchers in the area when the laser testing is being conducted.

Senator **Bingaman**. But it does affect the livestock when it remains?

Colonel **Laspada**. It does not affect livestock. Only human factors were considered.

Senator **Hecht**. Senator Domenici.

Senator **Domenici**. Let me ask how many times in the past 5 years have missiles or debris impacted on the area north of 506; do we know?

Colonel **Laspada**. Yes. Approximately 1 of every 20 missiles, debris launch impacts appear, specifically with the Hercules missile. And I don't have that figure at my disposal.

Mr. CRONIN. Yes. On 20 occasions since 1982, missiles or debris impacted north of highway 506.

Colonel LASPADA. Senator, if you will allow me, I would like to address a comment made by Senator Goldwater; that is, we also need to consider litigation in the future on withdrawals. We have had a missile that has impacted in Timberon off the range, right off the boundary, that resulted in a suit resulting in approximately a $350,000 settlement.

Senator DOMENICI. You are saying that you need more area so as to minimize that kind of eventuality. Is that what you are saying?

Colonel LASPADA. We need this area to minimize that eventuality. I think our safeguards since then are to include that a missile will not fly above 50,000 feet altitude, so therefore we apply command burst, command destruct to the missile. That command destruct will assure us within a region of probability, it will lie within the boundaries.

Senator DOMENICI. How many times has the road 506 been closed for firings in each of the past 5 years?

Colonel LASPADA. In looking at that we looked at fiscal year rather than calendar year because our statistics are kept on fiscal year.

Mr. CRONIN. During fiscal years 1982 to 1985 highway 506 has been closed 375 times. The closings primarily occur normally between August and December on Tuesdays, Wednesdays, and Thursdays. The average amount of time the highway is closed is 10 hours.

Senator DOMENICI. Ten hours each time?

Mr. CRONIN. Each time, sir.

Senator DOMENICI. Is it your testimony, then, that if we were to delete the lands north of State road 506 it would have a detrimental effect on the capability of the range for what you need to use it for? And if that is the answer, just quickly again tell us why.

Mr. CRONIN. It would eliminate the firing of certain missiles. Hercules and Patriot missiles could not be fired and it would degrade the use of other missiles because there would be a shorter length for the missile to be in flight and stay within Government-controlled property.

Senator DOMENICI. With reference to—I don't think I need the colonel, unless somebody else does—can we talk a little bit here about the grazing?

As I understand it, the grazing on this will now move from control of the BLM in its normal manner to what? What will the statute that controls the grazing be?

Mr. CRONIN. I must defer to the BLM on that, Senator, because all we do is make the property available. But as I understand, they are thinking of using title 10 United States Code, section 2667 as the leasing authority.

Senator DOMENICI. Could you explain that to me, Mr. Burford?

Mr. BURFORD. That's correct, Senator.

Senator DOMENICI. What does that mean?

Mr. BURFORD. That citation is for leasing of land under control of a military department and specifically deals with, among other things, grazing programs conducted on military controlled lands.

I think it would be proper to amend the legislation so as to show that in the legislation itself.

Senator Domenici. I agree.

You are suggesting that we make reference to the fact that that is the statute under which you will manage it for utilization?

Mr. Burford. Yes, sir.

Senator Domenici. I have a couple other questions with reference to water. Can I go and get the water out of the way, Mr. Chairman?

Senator Hecht. Please do.

Senator Domenici. With reference to the water situation, the Army's testimony says that consultation with each State before actual future taking of water to protect the interests of each State as well as that of the Army.

What does consultation—what kind of consultation? What does that mean?

Mr. Cronin. These are the arrangements that we have worked out with the folks in Alaska with respect to water at Fort Wainwright and Fort Greely where water is not obviously the problem that it is in your State, sir.

But we would indicate what our needs are, when we would propose to satisfy them, how we would propose to satisfy them, what impact we see, and to see whether or not they have any concerns with respect to such a proposal at that time. Before we went ahead and exercised the rights, we would certainly want to make sure that the water is unappropriated water.

Senator Domenici. I understand.

Let me ask, just for purposes of curiosity, am I right? When you first submitted this proposal you asked for 5.5 million gallons of water a day?

Mr. Cronin. Yes, sir.

Senator Domenici. Why did you ask for that amount? Isn't that a lot more than you are using? That may not be an issue because I don't think we are going to grant you new water as part of this withdrawal. You are going to have to acquire it, but why did you have 5.5 in if you only use 1.1? Does anybody know?

Mr. Cronin. Well, in 1981, due to the fact that there was a severe water problem occurring at White Sands Missile Range, we sought to determine what the requirements of White Sands and Fort Bliss were. As a result of the information they provided us, coupled with a visit by Mr. Leckery to the area, it was determined on an experimental factor that the quantities of water would be needed for the McGregor Range base camp, and we need a map to show it here——

Senator Domenici. You don't need that. What you are saying is that that was for more than the range need itself, that 5.5? There were other things beyond it?

Mr. Cronin. Yes. It was because there was a requirement for water at all four locations, three of which are integral to the mission of the McGregor Range itself. And then White Sands is running into a situation where they are going to hit brackish water in the foreseeable future and the wells will be ruined. They will have to seek water elsewhere.

So this is an effort to meet and satisfy their requirements for such a situation when it would come to pass.

Senator **Domenici**. I understand that we have inquired of the Army, Colonel, some detail as to the firings and the need. And you are about to respond or have responded. Is that correct?

Colonel **Laspada**. We have responded to that. If you want, we can read it to you, sir.

Senator **Domenici**. What I would like to do, Mr. Chairman, is for Committee utilization, I would like to submit the detailed answers as to the need for the record as part of this transcript. If we don't have them with us, we will provide them.

Senator **Hecht**. Thank you. The record will be open for 2 weeks.

[The information referred to follows:]

INSERT FOR THE RECORD

☐	HOUSE	APPROPRIATIONS COMMITTEE	☐	HOUSE	ARMED SERVICES COMMITTEE	☐	HOUSE	OTHER Energy and Natural Resources Com.
☐	SENATE		☐	SENATE		☒	SENATE	

HEARING DATE 17 July 1986	TRANSCRIPT PAGE NO. 41	LINE NO. 1	INSERT NO. 2	

Unclassified

1. The Army has requested 608,000 acres. Many local citizens feel that amount is excessive, since the Army doesn't utilize the full range, especially those areas North of State Road 506 and East of Mesa Rim. Could you please describe how those lands are used?

Answer. The Department of the Army requires all of the lands which comprise McGregor Range. McGregor Range is fully utilized. Moreover, at its present size, it is the absolute minimum acreage acceptable for accomplishment of the assigned missile training mission.

The Army Air Defense Artillery Center has a continuing need to control both the air space and surface of McGregor Range. The air space is required for flight and maneuvering of target aircraft for missile launch sites and is used as a vertical safety zone for missile flights, weapons trajectory and debris scatter. In addition, Operational Readiness Exercises and tactical training are conducted in the air space between missile firings.

The land space is designated a danger zone in compliance with Army regulations governing safety requirements for firing of guided missiles and heavy rockets. Effective use of McGregor Range with its existing longitudinal axis to the north northeast is a compromise between maximum missile range and reduced geographic range which allows some degree of realism in target engagement. The full geographic range length is required to allow response time for range safety personnel to command the destruction of missiles in the event of a fly-by (missed target) or an errant missile. Depending on the type missile fired, point of target intercept, and upper air wind direction and velocity, debris from an exercise can cover most of the area north of Highway 506.

Local sentiment that the Range, especially the area north of State Highway 506 and east of the Mesa Rim, is not fully utilized reflects a misunderstanding of the Army's use of the area. McGregor Range is comprised of three basic types of impact areas: a primary surface danger zone (those areas subject to direct impact from missiles and weapons systems); secondary danger zones (areas subject to impact from debris which results from the destruction of missiles and target aircraft); and laser fans (areas that are dangerous to human eyes). The primary danger zone for McGregor Range corresponds roughly to the area south of Highway 506 and west of the Mesa rim. The secondary danger zone extends from the primary danger zone to cover most of the area north of Highway 506 and the Mesa. The laser fan also extends north of Highway 506 and east of the Mesa rim.

In summary, the Army Air Defense Artillery Center has a continuing need for the entire McGregor Range to perform its essential defense training mission.

2. How many firings has the Army conducted on McGregor

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Range in each of the past five years?

Answer.

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	FY82	FY83	FY84	FY85	FY86(to date)
Hercules	35	25	27	33	20
Hawk	65	57	34	36	16
Redeye	276	215	160	278	173
Chaperral	39	47	50	34	42
Stinger	25	24	35	87	117
Pershing	4	9	4	4	3
Hellfire	0	0	0	3	0
MRLS	0	68	0	60	0
Total	444	445	310	535	371

3. How many times has State Road 506 been closed for firings in each of the past five years and what is the average amount of time for which the road remains closed?

Answer. During the period (fiscal years) 1982 to 1985, the Army has closed State Highway 506 on 375 occasions. Closings normally occur primarily between August and December on Tuesdays, Wednesdays, and Thursdays. The average amount of time the highway is closed is ten hours.

4. How many times in each of the past five years has a missile or missile debris impacted on the area North of State Road 506?

Answer. On twenty occasions since 1982 missiles or debris have impacted north of Highway 506: 4 in September and November of 1982, 8 in September, November and December of 1983, 5 in February, October, and December of 1984, 3 in November and December of 1985, and 0 to date in 1986.

5. How many times in each of the past five years has a missile or missile debris impacted on the area East of Mesa Rim?

Answer. Approximately ninety-seven percent of the Hercules missiles fired reach the Otero Mesa (136 for the last five years) and two to three percent of the Hawk missiles fired reach the Mesa (four to six for the last five years).

6. How would the deletion of the lands North of State Road 506 from McGregor Range effect the mission of the Range?

Answer. Deletion of the lands would have a serious impact on the mission. The lands are required for the secondary danger zone, as explained in the answer to question 1. For example, this deletion would prevent launches of Hercules and Patriot missiles, eliminate four drop zones for the monthly training of Airborne and Special Forces, and weekly Nap-of-the-Earth helicopter training.

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7. How would the deletion of the lands East of Mesa Rim from McGregor Range effect the mission of the Range?

Answer. Same as 6. above. This deletion would again prevent Hercules and Patriot launches, would prevent laser testing and development, and the testing of the forward area defense weapons testing.

8. It seems that if the lands North of State Road 506 and East of Mesa Rim are in fact dangerous that it would be improper for the Army to allow a power line, a state road, hunting, cattle grazing, and people associated with those activities on the land. Yet the Army does in fact permit those uses. How is this apparent discrepancy to be explained?

Answer. It is not a discrepancy with respect to the road and the power line because they were pre-existing uses. Hunting is allowed only on a controlled basis i.e., no hunting is allowed during firings. Cattle grazing is again allowed, but personnel are not allowed in during firing and, by contract, the ranchers accept responsibility for injury to cattle. In summary, all of the specified uses are controlled by the Army. More importantly, we exclude all people from these areas during firings. The users occupy these lands at their own liability for damage to property. However, we are unwilling to allow people to use those areas during firings. It is imperative that we maintain control over use of these areas for safety reasons.

9. I understand that if the Midgetman Missile is based at Fort Bliss, the missiles may be placed on McGregor Range. Some local landowners are concerned that this will result in the condemnation of their adjoining lands. What assurances can the military give us that it will not seek to expand the boundaries of the current Range onto adjoining private lands?

Answer. The Army has no plans to seek to expand the current boundaries of the Range for the Midgetman Missile. The Midgetman Missile is an Air Force program, but as we understand it, the plans are for the Air Force to make a decision by late 1986 on whether to recommend to Congress whether to proceed with the program. On that assumption, Congress would make a decision whether to approve the program in 1987, and, if approved, the fielding would be by 1989. The current information is that no additional land would be required. However, that is an Air Force question, and the Army defers to the Air Force on it. Enclosed is a recent letter from the Air Force on the issue (Enclosure 1).

10. Many local ranchers, who traditionally have been the users of the Range, are concerned about the current grazing practices. They feel that the current bidding system gives an advantage to persons from outside of the area. Would not the Army agricultural and grazing program, found at 10 U.S.C. 2667, provide for the efficient management of the land and allow the traditional users of the land to have a greater opportunity to

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utilize the land?

Answer. The Army would have no objection to undertaking the management of the grazing program under 10 U.S.C. 2667. The statute allows the Secretary of a military department to retain and spend money rentals received from agricultural and grazing leases of military-controlled land for administrative expenses of the leasing and to cover the cost of multiple-land use management programs at the installation. This statute would allow the Secretary of the Army to reinvest the grazing lease receipts at McGregor Range in range improvements. However, the statute does not authorize the Department of the Interior, Bureau of Land Management (BLM) to manage grazing programs on Army-controlled lands, nor would it allow the Secretary of the Army to transfer grazing receipts to the Bureau of Land Management to spend on range improvements. Further, we do not believe that an amendment to 10 U.S.C. 2667 is proper to provide for BLM management of the grazing program under the statute and to clearly establish BLM's authority to use the receipts. We suggest that the bill be specifically amended to authorize grazing leases on lands at McGregor Range, borrowing substantially from the language of 10 U.S.C. 2667. The traditional users issue also needs to be addressed. The Department of the Army's policy is to use competitive procedures when issuing leases under 10 U.S.C. 2667. Competition gives all qualified persons equal opportunity to bid for use of the property, secures the benefits for the Government which flow from competition, and prevents criticism of Government officials for making public property available for private use. Waivers of competition are the exception and are limited to where it will be in the public interest or promote national defense to forgo competition or where competition is impracticable. If Congress wants traditional users to have a preference, the bill or the Committee report should include language to that effect.

11. Might it (be) prudent of this Committee to state in this legislation that grazing would be conducted in accordance with this statute?

Answer. Yes. However, see 10. above.

12. How does the Army currently meet its demands for water on the Range?

Answer. The Army use of water is at the range camps. There are three range camps. McGregor Range Camp obtains its water from the City of El Paso. The Dona Ana Range Camp water requirements are provided through two Army wells in the New Mexico portion of the Hueco Bolson aquifer. The Orogrande Range Camp water requirements are provided by White Sands Missile Range.

13. In H.R. 1790, the House companion measure to S. 2412, the Army has requested a Congressional reservation of over 5.5 million gallons of water per day. Yet the Range only needs 1.1

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million gallons per day. Where would the rest of the water be utilized?

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Answer. Three million gallons per day (MGD) of the water will be used at White Sands Missile Range (WSMR). Current use at WSMR is exceeding the aquifer recharge rate which will lead to the eventual destruction of that aquifer. The rest of the water will be used at the three range camps. Two of the range camps are not located on McGregor Range proper because it would be unsafe to place them in the firing areas. However, they are an integral part of the McGregor Range complex and their water requirements are directly related to the use of McGregor Range proper. Therefore, 2.5 MGD will be used in connection with the McGregor Range. Accordingly, the estimated required water is as follows:

McGregor Range Camp	1.1 million gallons/day
Dona Anna Range Camp	0.6 million gallons/day
Orogrande Range Camp	0.6 million gallons/day
	2.3 million gallons/day
estimated use	2.5 million gallons/day
White Sands Missile Range	3.0 million gallons/day
	5.5 million gallons/day

14. The Army has applied for permits for groundwater appropriation with the New Mexico State Engineer. These pending applications, if granted, would provide the water requested in the House bill and then some. Exactly how many applications has the Army filed in New Mexico and for how much water?

Answer. Fort Bliss filed thirty applications with the New Mexico State Engineer Office to drill wells. These filings were made independently of the Army request for water from Congress. The Fort Bliss request is for water to be used mostly in Texas, whereas the proposed reservation is for water to be used only in New Mexico. The particular need for water in Texas is for approximately 40 years in the future. Each well is estimated to provide one million gallons per day. The total amount requested therefore is estimated to be 30 million gallons per day.

15. Why has the Army failed to file any applications for groundwater on McGregor Range, which has no pending applications and only one current groundwater permit on it?

Answer. The Department of the Army decided that the preferred way of providing for its McGregor Range water requirements was to seek a water reservation by Act of Congress.

16. (Why) is the Army unwilling to pursue the appropriation of groundwater through the orderly process established by the State of New Mexico?

Answer. The key to understanding the water requirements

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in this region is the application to the State Engineer of New Mexico by the City of El Paso. The City has announced it will suffer a water shortage in the future. Based on their predicted shortage, El Paso filed an application with New Mexico State Engineer for 60, 1 million gallons per day (MGD) wells to be drilled in the New Mexico portion of the Hueco Bolson. This application is pending. Consequently, any application for water by the Army under New Mexico state law would be junior in time to El Paso and, therefore, all of El Paso's 60 MGD requirement would have to be met before Army could obtain water rights from the state.

Consequently, Army recommends that Congress reserve unappropriated water sufficient to meet its requirements for the term of the withdrawal. In this way, Army's long-term requirements are stated, ambiguity as to the size and priority of the reservation is avoided, and the need to deal with the judicially-implied federal reserved water right is avoided. Further, Army's requirements are provided for without waiting an unknown amount of time for the results of State of New Mexico-City of El Paso administrative proceedings and any ensuing litigation.

17. Is it true that the Army is opposing El Paso's applications on the basis of military need?

Answer. Army opposed El Paso's applications because El Paso had applied to drill their wells on Army-controlled lands, which would interfere with the mission, and did not advise the Army. El Paso allegedly has agreed to withdraw its applications for wells on Army-controlled land, and if they do so, the Army will withdraw its objection to the City's applications.

18. If the City of El Paso were granted all its applications and the Army's were all denied, could not the Army obtain the water it needs either through purchasing water from El Paso, which will then have an overabundance, or other water permittees or through the power of condemnation?

Answer. Currently, the McGregor Range Camp water requirements are provided by the City of El Paso. The Dona Ana Range Camp water requirements are provided through two Army wells in the New Mexico portion of Hueco Bolson aquifer. The Orogrande Range Camp water requirements are provided by White Sands Missile Range (WSMR). Since being advised by El Paso that the City could not provide for our needs in the future, the Army has operated on that assumption. If El Paso agreed to continue to provide water to McGregor Range, that would provide the amount of water necessary for the McGregor Range Camp. However, that would not address the other range camps or WSMR. WSMR currently produces all of its own water from the Tularosa Basin aquifer. WSMR currently uses approximately 682,500,000 gallons per year, but the aquifer recharge rate is only about 357,500,000 gallons per year. Consequently, the water level in the Army wells is dropping and continued pumping at this rate will destroy the

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aquifer. The other 3.0 MGD which Army has requested will be used to avoid destroying the aquifer.

Finally, with respect to acquiring water from other permittees or by condemnation, to our knowledge, there are no other permittees, and the Department of the Army does not have a generic authority to condemn water rights, although in a normal line-item type authorization to acquire real estate, for a particular project, the authority to acquire necessary water rights would be implicit.

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C.

16 JUL 1986

REPLY TO
ATTN OF: RDQ

SUBJECT: Small ICBM Siting Questions

TO: SAF/MII (Mr Rittenhouse)

In response to your telecon request to Ltc Tobey of RDQM, answers to two questions are provided by COB 16 Jul 86 in order to assist you in preparing for 17 Jul 86 Congressional testimony.

1. Is there a possibility that private additional lands would be required to be condemned or acquired for Small ICBM at Ft [redacted] Bliss and McGregor Ranges (White Sands)?

Answer: Under current plans, no.

2. What assurances can the services give that only military withdrawn lands will be required?

Answer: The Air Force is considering the deployment of the Small ICBM in three basing modes: Hard Mobile Launcher in Random Movement; Hard Mobile Launcher on Minuteman Facilities; and Hard Silo in Patterned Array. The plan for the first mode is to deploy the system on existing DOD and DOE installations with no additional land withdrawals being necessary (although existing military withdrawals would have to be re-withdrawn for the additional military/ICBM mission). The plan for the second mode is to deploy the system on the facilities presently being used for Minuteman operations. Due to different explosive safety requirements created by the missile being stored above the ground instead of within an underground silo, the safety zone surrounding some of the facilities may have to be expanded. Current studies indicate that this would not involve withdrawal of public lands or purchase of private fee simple interests but could possibly involve acquisition of safety zone easements. The plan for the third mode involves the potential for acquisition of private lands and withdrawal of public lands totaling 55 square miles in one or more parcels. Thus, for the mobile basing modes, no additional public land is presently being considered for withdrawal that has not already been withdrawn for existing military purposes; for the silo mode there is a potential for some minimal withdrawal. The Air Force will comply with the Federal Land Policy and Management Act (43 U.S.C. 1708 et seq. and the Engle Act (43 U.S.C. 155-158).

Charles A. May Jr.

CHARLES A. MAY, JR., Brig Gen, USAF
Dep Dir & Spec Asst for ICBM Mod
D/Operational Requirements, DCS/RD&A

ENCLOSURE 1 (Response to Question 9)

Senator **Domemici**. With regard to mineral development, I don't understand the apparent conflict here. The Bureau is saying that they want, under certain circumstances, and I assume the basic circumstance is noninterference with military use.

Mr. **Burford**. That is correct.

Senator **Domenici**. That you want the range open to mineral exploration. In particular you are concerned about oil and gas?

Mr. **Burford**. That is correct.

Senator **Domenici**. Is there not a generic statute that governs this now where the Secretary, rather than the Colonel that runs the range, makes the decision as to whether or not privileges to explore for minerals can be granted?

Mr. **Burford**. Under the leasing laws, the Secretary has control of leasing on Defense Department lands with the concurrence of the appropriate Secretary.

Senator **Domenici**. All right.

Do I understand, then, that the bill as presently before the subcommittee would withdraw even that authority? I am so told.

Mr. **Burford**. That was not my understanding, but Senator Hecht clarified that in his statement.

Senator **Hecht**. I am told by counsel; yes, Senator.

Mr. **Burford**. My Solicitor says that it may not. Public land laws are not necessarily mineral leasing laws. Solicitor for the committee says otherwise.

Senator **Hecht**. Since you and I both are not attorneys, we will both have to determine that at a later time. That was the chairman's intent though, that it would stop everything.

Senator **Domenici**. Well, Mr. Chairman, let me just suggest that if there is anybody in the Defense Department that wants to submit some justification for not making this land subject to exploration under the generic law which still leaves it in the hands of the appropriate Secretary to say yes or no, I would like to know why; because we have White Sands Missile Range subject to that generic law and the Secretary is permitted some exploration in some areas that are clearly not used and there may be some very big natural gas deposits.

Mr. **Cronin**. The Army has no objection to the proposal under certain circumstances. At certain installations where it would not impact upon the mission, we would not object to such a use.

Senator **Domenici**. Thank you very much.

Can staff prepare some language that we could submit as an amendment before we go to markup?

Senator **Hecht**. Sure.

Senator **Domenici**. Thank you very much.

Senator **Bingaman**. Mr. Chairman, I have a couple of followup questions to Senator Domenici's, regarding the water rights requested.

Do I understand that your proposal would authorize the Army to pump water on this withdrawn land for use at Fort Bliss?

Mr. **Cronin**. McGregor Range is a part of Fort Bliss. What we are proposing is that there would be a reservation of water to take care of the needs of the Fort Bliss portions in New Mexico which would be the McGregor Range Base Camp, the Orogrande Range Camp, and the Dona Ana Range Camp, as well as to take care of the needs of the White Sands Missile Range; that it would all be for use in New Mexico, not for use in Texas.

Senator BINGAMAN. So you have no intention of pumping water on this proposed land for export to Texas?

Mr. CRONIN. That is correct, sir.

Senator BINGAMAN. That is a big issue in our State, as you may know.

Let me ask about grazing. Page 8, the subsection (a), there at the last of that subsection (a), states that any use shall be secondary to the military use and only authorized with the concurrence of the appropriate military Secretary.

Then over on page 10, section 4(a) provides that the Secretary of the individual service would have the authority to control the use but would be able to authorize use of the lands as appropriate by the public for recreation, hunting, fishing and trapping.

Does that imply or state that he would not have the authority to authorize appropriate use of the land by the public for grazing, or am I misunderstanding?

Mr. CRONIN. The grazing program is administered by the Bureau of Land Management. The Army would be involved from the standpoint of determining availability of the lands for use for grazing purposes.

As a general rule I think all the lands that we possibly could have made available for grazing use has been accomplished in the past and will continue.

Senator BINGAMAN. But your thought is that that subsection 4(a) there on page 10 should not make any reference to grazing because you are really talking about some kind of authorization for public use that would be separate and apart from the BLM?

Mr. CRONIN. Yes. This particular section has to do with the military departments' responsibilities, whereas section 3 has to do with the Department of the Interior's responsibilities.

Senator BINGAMAN. All right. So if the Secretary of the Army made it available for use for hunting, fishing, or trapping, then that would not be done in conjunction with another agency? That would just be a military decision and be administered by the military?

Mr. CRONIN. I think that the answer to your question lies in the fact that we are not going to change the grazing program insofar as the Army is involved. That would continue as far as from an availability standpoint.

The Director of the Bureau of Land Management has testified that they would propose to make those lands available for grazing purposes under another statute, under language similar to title 10, U.S.C. 2667. And we have no objection to that, of course.

Senator BINGAMAN. OK. So you do not see any need to make that very clear in this section, as well, section 4(a)?

Mr. CRONIN. I do not think it would be needed, sir.

Senator BINGAMAN. That is all I have, Mr. Chairman. Thank you very much.

Senator HECHT. Yes, Senator?

Senator DOMENICI. Mr. Chairman, let me make sure that I understand the Army's position, with reference to water. As I understand it in the House bill, you have built in a reservation of water that you desire, as you have explained it to us here from the witness stand. You have applied in the normal manner through the appropriating processes—in New Mexico, at least—for water; is that not correct?

Mr. CRONIN. That is correct. Fort Bliss has filed applications for wells. And the purpose of those applications is to provide water for transport to Fort Bliss proper in Texas. It will be used, for the most part, in Texas. As distinguished from what we are concerned with here, is the use of water on the ranges in New Mexico.

Senator DOMENICI. Yes. But let me make sure that you all understand my position and let me make sure I understand yours. From our standpoint, what we are saying is that this bill ought not create any new automatic rights for water, that you ought to proceed in the normal manner to acquire water, as others do in that part of the Southwest.

Do I understand that you are not willing to accept the bill that subjects the water needs to the normal appropriation processes of the State of Texas and New Mexico?

Mr. CRONIN. We felt it was incumbent upon us, Senator, to make the needs of the Department of the Army known to the committee. We would be remiss in our responsibilities if we would fail to discuss that with you.

The alternative of reservation appears to be to make application to the State engineer for water. As you know, there is a party senior to us, from the application standpoint; the city of El Paso has had an application and that's been at issue for a number of years.

We, so far, see no reasonable possibility or probability that if we were to make an application for water for the McGregor Range and the other base camps and White Sands, that that application could be seriously entertained, while the city of El Paso's application is pending.

So it leaves us in a dilemma. If we don't have a reservation of water by statute and if we are unable to get water from the State engineer because we are junior to El Paso, we are hard put to it to determine what are we going to do.

Senator DOMENICI. Well, I just give you this observation. If El Paso gets all the water they are claiming, they could flood you. They will get enough water to turn this into a lake and you will not need to worry. You can go get it from El Paso.

Let me just tell you my position, and I want the chairman to know it. I want to accommodate—I am for this subject to my last analysis of whether they need all the land. And they have given us the details. But I am not disposed to inject into the big dispute between Texas and New Mexico on what water is available and come right up over the top and say we are going to appropriate in a statute the water that we need for it. I mean, the fact that we do not do it might lend itself to resolution of this problem down there. They always have some extraordinary powers.

In any event, the Federal Government can acquire water just like anybody else that does not have water. You need water down there and do not have it, you go buy it. Buy it from some farmer who might want to get rid of it.

So from my standpoint, I do not want to put a reservation in this bill and I hope my colleague from New Mexico will join me in that.

Senator BINGAMAN. Yes, Mr. Chairman, I agree with Senator Domenici. But I think for us to just write in a Federal exception to the State process is probably inappropriate, particularly at this time, considering all that is at stake in litigation between the two States and between New Mexico and the City of El Paso.

I also had another question on the grazing. I apologize, Mr. Chairman, for coming back to it, but it is still unclear in my mind.

Senator HECHT. Perhaps maybe we should ask Senator Murkowski—he came in—if he has a statement, since we have been on this for a minute.

Senator Murkowski?

Senator MURKOWSKI. Thank you very much, Mr. Chairman. I do have an interest in the pending legislation, and I would like to cite specifically: In reference to the withdrawal proposed in the State of Alaska that was 571,995 acres at Fort Greeley to be utilized for military maneuvering, and that is also a military base and Army base and 247,950 acres at Fort Wainwright, as a maneuvering area.

It is my understanding that an agreement has been reached on about 1,600 acres in the Chena Parks and Recreation Area, I believe under the disposition of the Fairbanks borough, and I wonder if that is your understanding.

Mr. CRONIN. That is my understanding, sir, that the land has been deleted.

Senator MURKOWSKI. So when we look, then, at the disposition of the 247,951 acres for the Fort Wainwright, we can assume that that does not include the additional 1,600 which you have reduced from that figure?

Mr. CRONIN. That is correct, sir.

Senator MURKOWSKI. My next concern is over entry, specifically for hunting, fishing, and trapping. And it's my understanding that there has been some discussion on this. I intend to provide an amendment specifically directing that the military shall allow access for hunting, trapping, and fishing. And I am wondering if you have any, recognizing the ultimate disposition, would be by the military.

Do you have any problem with that?

Mr. CRONIN. We are proposing that section 3(b) be amended by adding a new paragraph at the end, which will provide that the Secretary shall allow public access to and use of the lands withdrawn under subsections (e) and (f) of the first section for purposes of recreation, hunting, fishing, and trapping.

Senator MURKOWSKI. Fishing, too?

Mr. CRONIN. Hunting, fishing, and trapping—no recreation, hunting, fishing and trapping.

Senator MURKOWSKI. Where is fishing covered? Is it covered or is it not covered?

Mr. CRONIN. No objection to fishing.

Senator MURKOWSKI. Let's include fishing, if there is no objection.

Mr. CRONIN. And that would be allowed to the fullest extent, compatible with essential military requirements relating to such lands as determined by the Secretary.

Senator **Murkowski**. That is my understanding.

I would also ask, Mr. Chairman, that the letter dated July 16 from our Governor to the Committee Chairman, Chairman McClure, supporting the bill with the amendment I have discussed, be placed in the record.

Senator **Hecht**. It will be made part of the record.

Senator **Murkowski**. Thank you, gentlemen. I think that covers the specific concerns and needs. I want to thank you gentlemen for cooperating with us.

Senator **Hecht**. Thank you.

Senator Bingaman?

Senator **Bingaman**. If I could, maybe Mr. Burford could answer this best. What is your understanding as to who would manage the grazing?

Senator **Murkowski**. I wonder if the gentleman would yield for a second.

May I put this statement in the record?

Senator **Hecht**. Yes. The statement will be a matter of record.

[The prepared statement of Senator Murkowski and the letter from Governor Sheffield follow:]

STATEMENT OF HON. FRANK H. MURKOWSKI, A U.S. SENATOR FROM THE STATE OF ALASKA

Thank you Mr. Chairman for the opportunity to present a brief statement on S. 2412—legislation withdrawing certain public lands in Alaska and other States for military purposes.

I support this bill, with one exception. I am concerned that the bill, as written, does not adequately address the issue of public access to the withdrawn lands for hunting, recreation and trapping. The lands being withdrawn in Alaska are used extensively for these purposes and the bill should ensure that such uses can continue.

The State of Alaska and the Department of Army have worked out an agreement concerning this access issue. It is my understanding that the companion bill in the House on these withdrawals contains a section which incorporates that agreement. I have also been informed that the energy committee staff will not object to an amendment which adds that agreement of this bill. This being the case, Mr. Chairman, I intend to offer such an amendment when the full committee holds a mark-up on the bill later this summer.

Mr. Chairman, this is a bill which is sorely needed. When amended as I have described, it will be a bill I can wholeheartedly support.

I would ask that a letter dated July 16, 1986, from the Governor of Alaska, Chairman McClure, supporting the bill with the amendment I have discussed, be placed in the Record.

Thank you Mr. Chairman.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, AK, July 16, 1986.

Hon. James McClure,
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: On behalf of the State of Alaska, I want to express the state's position regarding S. 2412, Military Withdrawal Legislation. This legislation includes withdrawals in Alaska of approximately 250,000 acres near Fort Wainwright and 572,000 acres around Fort Greely.

The state has consistently expressed three concerns regarding proposals for these withdrawals: (1) possible conflicts with the Chena River State Recreation area; (2) the reservation of water; and (3) public access and management of fish and game in the area. S. 2412 poses no problems with regard to the first two of these matters;

problems with regard to the first two of these matters; however, the bill inadequately addresses the issue of access.

The state and the army worked extensively on this issue during preparation of earlier versions of both House and Senate bills and agreed upon the following language pertaining to access.

The Secretary of the Army shall allow public access to and use of the lands withdrawn under section 1(e) and 1(f) for purposes of recreation, hunting, and trapping to the fullest extent compatible with the essential military requirements relating to such lands as determined by the Secretary.

The intent of this language is to provide specific guidance to the Secretary to ensure that the military follows a consistent approach in providing access. We have found that absent such guidance, base commanders frequently vary their policies on access issues. Consistency and equity are required to protect a number of long established public uses of the areas involved. The language currently contained in S. 2412 provides much less guidance to the Secretary. Therefore, it is likely to lead to inconsistent approaches to access issues by base commanders during implementation of this measure.

This language was supplied to your committee, but was not included in the version of S. 2412 which is pending before you. I respectfully request that you amend S. 2412 to reflect the agreement reached by the Army and the State of Alaska. Thank you for your consideration of this correspondence.

Sincerely,

BILL SHEFFIELD,
Governor.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator BINGAMAN. Mr. Burford, I am unclear. Under the proposed legislation, who would manage the grazing? Would it be the Army or the BLM?

Mr. BURFORD. It would be the BLM. It has been the intent of the Department of Defense that they would continue the program as is under the Secretary of the Interior. We have had sales in the past of the available forage to whoever wanted to bid on it; 10 U.S.C. 2667 is a particular reference to that use, under the authority of the Secretary of Defense, which permits the BLM, under the MOU that we have with the Army, to continue to administer the grazing.

Senator BINGAMAN. OK. You are saying that under this 10 or title 10, the Army would continue to administer the grazing, but that would be done—the management of grazing by BLM; is that what you are saying?

Mr. BURFORD. Yes.

Senator BINGAMAN. I am not sure who is managing now. Is the Army administering it?

Mr. BURFORD. No. BLM is. BLM is and has been for the length of time that it has been in existence.

Senator HECHT. Excuse me. Counsel requests that you submit copies of that memorandum of understanding for the record.

Senator BINGAMAN. That is all I have, Mr. Chairman.

[The memorandum of understanding follows:]

MEMORANDUM OF UNDERSTANDING

Between

THE DEPARTMENT OF THE INTERIOR

and

THE DEPARTMENT OF THE ARMY

To Provide For

CO-USE GRAZING ON THE McGREGOR RANGE IN NEW MEXICO

WHEREAS Public Land Order No. 1470 of August 21, 1957 withdrew public lands in McGregor Range for use by the Department of the Army as a missile testing range and whereas Section 4(e) of said Public Land Order provided that grazing use of the lands, if determined by the Commanding Officer in charge to be compatible with their use for military purposes, shall be administered by the Department of the Interior, Bureau of Land Management, hereinafter referred to as BLM, under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, et. seq.), as amended. Whereas there are intermingled with the withdrawn public domain lands tracts of lands acquired by the Department of the Army aggregating approximately 52,000 acres which are subject to the provisions of law and policy governing the Secretary of the Army leasing within military reservations, and

WHEREAS the Secretary of the Army has determined that grazing use can be allowed on McGregor Range, provided such grazing use is authorized subject to certain provisions as set forth in this Memorandum of Understanding and whereas the Department of the Interior, BLM, has indicated its willingness to assume responsibility for administration of such grazing use subject to such provisions.

WHEREAS the law and policy which governs the administration for grazing purposes of lands acquired within military areas contemplates that such lands will be offered for use by competitive bid leasing at not less than fair value in reasonably economical tracts or areas and for periods and under conditions which will assure the ready availability of such lands for required military purposes.

It is agreed that the grazing program to be administered hereunder by the Bureau of Land Management will be consistent insofar as practicable with the Army leasing laws and policies. To this end the grazing procedure to be prescribed by the BLM will be submitted to the Chief of Engineers, Department of the Army, for prior concurrence and major changes therein found necessary in the public interest, including special rules of the Department of the Interior will be likewise coordinated.

Therefore, it is mutually agreed that:

SECTION A. The Department of the Army agrees to the following:

(1) Subject to special stipulations expressed herein, the BLM will license grazing use on lands withdrawn by Public Land Order 1470, excluding lands in the Lincoln National Forest and lands in the southern part of McGregor Range generally referred to as the former Maple, Navar, Davis, Hammonds and Gray allotments, but including the aforesaid Army acquired lands.

See 1974 change

(2) The Department of the Army will continue fire control responsibilities in accordance with Section 4(f) of Public Land Order 1470.

"

(3) All grazing fees collected by the BLM will be subject to BLM accountability. A division of grazing funds receipts from the BLM administration of the McGregor lands will be made on the basis of the proportion which the "acquired" Army lands in the Range bear to the "withdrawn public domain lands" in the area. This agreement presently includes approximately 52,000 acres of "acquired land" out of the total of 515,000 acres covered by the agreement. The portion of such funds represented by Army acquired lands will be transferred by the BLM to the U. S. Army District Engineer, Albuquerque, in accordance with established fiscal procedures on an annual basis.

"

(4) The Department of the Army will allow 60 days following written notice or agreement for the removal of any range improvement placed on the lands by any grazing licensee pursuant to a range improvement permit issued by the BLM for such range improvement.

(5) The Department of the Army acting through the United States Army Air Defense Center, hereinafter referred to as the Center, in cooperation with the BLM, will retain and exercise complete control over distribution and use of water which flows through pipelines from the Sacramento River and Carrizo Springs.

(6) The Center will upon request furnish firing schedules in order that grazing licensees authorized to use lands in McGregor Range for grazing can be timely advised when entry to the Range is allowed or denied.

(7) BLM agrees it is responsible for control and action relative to livestock trespass; however, that the Center will be responsible for the control of trespass committed by any person into the area.

Sections 8, 9, & 10 added in 1974 change

SECTION B. The BLM agrees to the following conditions for licensing grazing use on lands in McGregor Range:

(1) Personnel of the Center, in pursuit of their official functions or other authorized purposes, will continue to have unlimited access to the land covered by this agreement. Said personnel may open gates, and, if necessary, lower fences in order to accomplish their assigned missions or duties. The Center will require said personnel to leave gates as found (open or closed) and to re-position any fences lowered. However, the Center assumes no responsibility should gates not be left as found or should fences not be re-positioned.

(2) Each grazing license which authorizes grazing use of lands in McGregor Range shall contain and be subject to the stipulations listed below in Section C.

(3) Grazing use of lands in McGregor Range will be limited to cattle and horses, and the numbers of these animals will also be so limited as to assure proper use of the land: No one will be authorized to graze sheep and/or goats on any land in McGregor Range.

(4) Range improvements will include but not be limited to:

(a) The construction and maintenance by the BLM of a livestock control fence on those parts of the McGregor Range boundary which enclose land covered by grazing licenses. Prior to the construction of livestock control fences, the BLM will submit the construction plans and specifications to the Commanding General of the Center for his approval. Provision for placing fences along practical fence lines shall be worked out and agreed to in writing by the BLM and the Center.

See 1974 change

(b) The construction and maintenance by the BLM of firebreaks on those parts of McGregor Range boundary which enclose land upon which grazing use will be authorized and at such other locations as may be determined to be necessary by the Center. Prior to the construction of firebreaks, the BLM will submit the construction plans and specifications to the Commanding General of the Center for his approval. Firebreaks will usually be constructed contiguous with perimeter fences."

(c) The maintenance and improvement by the BLM of the pipelines which bring water from the Sacramento River and Carrizo Springs to McGregor Range. The BLM will also construct, maintain and improve from such grazing revenues as can possibly be made available, tanks, tubs, wells, windmills, etc., necessary to provide water for range management. Prior to new construction or making any major improvement or change that affects water resources on McGregor Range, the BLM will submit the construction plans and specifications to the Commanding General of the Center for his approval.

(5) The Center, in cooperation with the BLM, will retain and exercise complete control of distribution and use of water which flows through pipelines from the Sacramento River and Carrizo Springs.

(6) Any range improvement constructed with Government funds will remain on the property.

(7) No grazing license issued under this agreement will in any way affect the existing agreement between the Center and the Department of Fish and Game, State of New Mexico, concerning the control, conservation and maintenance of wildlife on McGregor Range. Each grazing licensee is bound by all terms and conditions of said agreement to the same extent that the Center is bound. BLM will establish grazing capacity limits annually to determine numbers of domestic livestock to be grazed on the range and will reserve adequate forage for wildlife, especially big game animals now on the range or subsequently to be released on the range. Therefore, Center will cooperate with the BLM for development and maintenance of wildlife habitat on the McGregor Range, including the determination of specific areas, if any, on which domestic livestock grazing will be excluded in favor of wildlife.

(8) The District Manager, BLM, will keep the Commanding General of the Center currently informed as to the name and address of each grazing licensee.

SECTION C. STIPULATIONS: The following stipulations will be attached to and made a part of each grazing license issued by the BLM to authorize grazing use of lands in McGregor Range under this co-use agreement between the Department of the Army and the Department of the Interior:

(1) Pri to entry upon McGregor Range r any reason, each licensee, his family, agents, or guests must obtain permission from the Commanding General, United States Army Air Defense Center, or his designated agent. Such persons may remain on McGregor Range only during the hours and/or days during which permission to enter has been so granted. Permission to enter McGregor Range will be granted when firing is not being conducted or scheduled; however, under no circumstances will the licensee, his family, agents, or guests be granted permission to enter or remain on McGregor Range during periods when firing is being conducted, or scheduled, even should they be willing to assume any and all risks inherent in such activities.

(2) Should security or safety considerations or the assignment of any particular mission require such action, the Center reserves the right to deny access to McGregor Range to licensee, his family, agents, or guests for extended periods of time. The Center may exercise this right without prior notice to licensee.

(3) Personnel of the Center, in pursuit of their official functions or other authorized purposes, will have unlimited access to the land covered by this license. Said personnel may open gates, and, if necessary, lower fences in order to accomplish their assigned mission or duty. The Center will require said personnel to leave gates as found (opened or closed) and to re-position fences lowered. However, the Center assumes no responsibility should gates not be left as found or should fences not be re-positioned.

See 1974 change

(4) The Center is responsible for fire control as set forth in Section 4(f) of Public Land Order 1470, and will suppress fires after completion of the daily or other scheduled firing program. Grazing licensees waives any and all rights of action which might accrue due to damage to persons or property if said damages are directly or indirectly caused by fire resulting from military operations or other causes on McGregor Range.

(5) The United States will not be responsible for damage to any improvement or for any injury to persons or livestock caused directly or indirectly by impact or fallout of missiles, targets or components thereof.

(6) Licensee, his family, agents, or guests are prohibited from touching, tampering with, or disturbing any shell, shell casing, missile, target, or components thereof which may be found upon the lands covered by this license. Upon discovery of any of the items mentioned in the preceding sentence, licensee will report said discovery to the Commanding General, United States Army Air Defense Center, or his designated agent.

Deleted in 1974 change

(7) This grazing license may be terminated after thirty (30) days written notice should the United States Army Air Defense Center be assigned new, additional, or different missions which, in the opinion of the Commanding General, United States Army Air Defense Center, cannot be accomplished while such grazing license is in effect.

(8) This grazing license may be summarily terminated should the licensee breach any of the terms or conditions stated herein.

(9) This grazing license is subject to all New Mexico State Game laws and regulations.

(10) Complete control of distribution and use of water which flows through pipelines from the Sacramento River and Carrizo Springs is retained and exercised by the United States Army Air Defense Center, in cooperation with the Bureau of Land Management.

See 1974 change

(11) Grazing licensee may construct temporary range improvements necessary for the proper care and management of livestock for which this license is issued, after approval of the United States Army Air Defense Center and subsequent to the issuance of an improvement permit by the Bureau of Land Management. Such temporary range improvements must be removed by licensee within 60 days after his grazing license has expired and has not been renewed or within 60 days of the written notice that the license has been cancelled for other cause.

See 1974 change

(12) This grazing license will in no way prevent the United States Army Air Defense Center from establishing launching sites, erecting fire towers, radar sites, and other similar construction and fencing of same, when required by military necessity.

Arch site etc.

(13) This grazing license will in no way affect the existing right of the Secretary of the Army to grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon land subject to this license. The licensee, his family, agents, or guests will refrain from the excavation of archaeological sites and gathering of objects of antiquity upon lands subject to this license. Discovery of any such sites or items will be reported to Commanding General, U. S. Army Air Defense Center, or his designated agent.

SECTION D. GENERAL. This Memorandum of Understanding shall remain in full force and effect until terminated by mutual agreement between the parties hereto, or upon ninety-day written notice served by either party on the other.

If terminated by mutual agreement, the then current and existing grazing licenses will be allowed to extend to expiration of existing billing period shown on such existing grazing licenses.

This Memorandum of Understanding is subject to immediate termination if, in the opinion of the Commanding General of the Center, military operations make such termination imperative.

If amendments are needed to this agreement, a meeting may be called by either party, preferably 60 days or more prior to expiration date of grazing licenses in effect, so that necessary changes can be incorporated in any new offers for grazing licenses.

In witness whereof I have hereunto set my hand by direction of the Assistant Secretary of the Army (I&L) this 18 day of March, 1966.

/s/ Sherry B. Myers
Sherry B. Myers
Staff Asst (Real Property)
Mil Const and Real
Property, OASA (I&L)

Approved:

/s/ Boyd L. Rasmussen Sep. 9, 1966
Director
Bureau of Land Management

COPY

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BUR OF LAND MGMT
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STATE OFFICE
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PROPOSED AGREED UPON CHANGES TO THE JUNE 7, 1974 MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF THE ARMY TO PROVIDE FOR CO-USE GRAZING ON THE McGREGOR RANGE IN NEW MEXICO

Section A

(2) The DOA will have fire control responsibility on McGregor Range. DOA will take reasonable fire suppression measures immediately upon discovery of fires on Otero Mesa or contiguous areas, where such fire threatens Otero Mesa and related grazing units. BLM will be notified immediately upon detection of fire on/or threatening Otero Mesa as well as other designated grazing units.

(3) All grazing contract fees collected by BLM will be subject to BLM accountability.

The portion of such funds being a ratio of Army acquired lands to total grazing lands will be maintained by the BLM to support projects on that portion of McGregor Range covered by this Memorandum of Understanding. These funds will be maintained in a 1920 reimbursable funds account by the BLM and used to support the programs as approved by the Commanding Officer for which the BLM has responsibility on McGregor Range. These programs are livestock forage, wildlife habitat and maintenance of range improvements but do not include maintenance or project work outside the grazing program on McGregor Range. Projects developed with the contributed funds normally will be limited to fence repair, firebreak maintenance, road maintenance relating to grazing use, perimeter signs, wildlife habitat and water developments. These projects will be performed in-house or contracted by BLM for Fort Bliss at the discretion of BLM. A maximum of 20% of Army contributed funds can be used for BLM overhead and administration costs. It is understood that this agreement is subject to the availability of BLM funds and manpower to perform the duties set forth herein.

(4) The Bureau of Land Management will at their discretion ascertain whether improvements constructed by grazing contractors under range improvement permits should be removed or left for future management needs or livestock grazing units. The Bureau of Land Management will have approving authority for all projects constructed by grazing contractors on grazing units within McGregor Range. The DOA will have approving authority for all projects outside grazing units on McGregor Range, and shall have authority to have BLM remove such range improvements anywhere on McGregor Range where mission requirements dictate and alternatives to removal are not feasible.

(8) The BLM recognizes and will comply with all cultural resource statutes and regulations for all BLM initiated or participating projects, wherever situated. The DOA recognizes and will comply with all cultural resource statutes and regulations for all DOA initiated or participating projects, wherever situated. Additionally, the BLM will have primary cultural resource management responsibility over Otero Mesa and other grazing areas as shown on Exhibit ___, attached. The DOA will retain primary cultural resource management responsibility over all other withdrawn lands, with the exception of National Forest lands which shall be managed by the Forest Service.

(9) Any new grazing units developed within the co-use area will be coordinated with, and subject to, the approval of the commanding General of the Center.

(10) The Department of the Army shall prohibit vehicular traffic off existing roads on Otero Mesa, and grazing units except in case of emergencies. No field training exercises utilizing vehicular traffic will be conducted on grazing units.

Section B

(4) Range improvements will include but not be limited to:

(b) Maintenance of exterior fire breaks for McGregor Range grazing units will be the joint responsibility of the center and BLM. Maintenance of fire breaks will be coordinated between the center and BLM during February of each year. Interior fire breaks for McGregor Range Grazing units will be maintained by the Bureau of Land Management. Coordination will be initiated by BLM.

Section C. Stipulations

(4) DOA will have fire control responsibility on McGregor Range. DOA will take reasonable fire suppression measures immediately upon discovery of fires on Otero Mesa or contiguous areas, where such fire threatens Otero Mesa and related grazing units. Grazing contractors waive any and all rights of action which might accrue due to damage to persons or property if said damages are directly or indirectly caused by fire resulting from military operations or other causes on McGregor Range.

(7) Delete in total.

(11) Any range improvements constructed by grazing contractors will require approval by the Bureau of Land Management in the form of a range improvement permit. Prior to termination of the grazing contract the Bureau of Land Management will at their discretion ascertain whether improvements constructed should be removed or left for future management needs on grazing units.

(12) This grazing license will in no way prevent the United States Army Air Defense Center from establishing launching sites, erecting fire

towers, radar sites, and other similar construction and fencing of same, when required by military necessity. Any such necessity will be coordinated with BLM.

William A Anderson

Colonel William A. Anderson
Director of Facilities Engineering
Fort Bliss

22 July 76
(Date)

Arthur W. Zimmerman

Mr. Arthur Zimmerman
New Mexico State Director
Bureau of Land Management

22 July 76
(Date)

Senator HECHT. Thank you very much. Let's move right along to panel No. 3. Thank you, gentlemen.

Ms. Grace Bukowski, Mr. Eric Smith, Mr. Dick Holmes, Mr. William Rosse, Mr. E.H. Robbins, Mrs. Ruth Robbins.

OK. Let's go on now with the non-Government witnesses. Again, we are going to ask you to hold your statements to five minutes. Let's just go down here by my agenda.

Grace Bukowski.

STATEMENT OF GRACE BUKOWSKI, CITIZENS ALERT AND WESTERN SOLIDARITY IN NEVADA

Ms. BUKOWSKI. Mr. Chairman and members of the committee. I would like to begin by thanking you for the opportunity to speak here today.

My name is Grace Bukowski, and I am staff person for Citizen Alert and Western Solidarity in the State of Nevada. Citizen Alert is a statewide organization that deals with issues critical to the welfare of Nevadans.

Western Solidarity is a coalition of Western groups which deals mainly with abusive military issues and dangerous nuclear activities in the West.

I am here to speak on bill S. 2412. Because of the military-related problems facing Nevada and the West today, Federal control of 87 percent of Nevada's lands, combined with the low-population density, make Nevada a prime target for the latest military hardware.

No doubt, there are economic benefits for Nevada's close ties with the military. But Nevada has recently been deluged with requests for lands and airspace. Many citizens and public officials are becoming sensitive to the impacts that these withdrawals would have on Nevadans and the people who visit us.

Since statehood, Nevada has been utilized to build our Nation's defense. Today 40 percent of our airspace is restricted by the military. Over 4 million acres of land is used for military activities, more than in any other State.

In addition to these present withdrawals, in the future there could be possible withdrawals, like 50,000 acres for the proposed high-level nuclear waste dumpsite at Yucca Mountain. At present, the Air Force is looking at several sites for possible deployment of the Midgetman missile.

Also of interest is that the Oregon Air National Guard has recently requested a new military operation area over northwest Nevada. Citizen Alert and Western Solidarity are not antimilitary organizations. We believe that this Nation needs an adequate defense. We are, however, alarmed by the increased demands for airspace and land in the West. We are concerned that U.S. citizens living in sparsely populated areas of the West are considered expendable by their own Nation.

Because of these concerns we ask that each of these withdrawals be considered on an individual basis. We ask that each of these withdrawals have their own environmental impact statement.

We realize that each of these States has their own problems. Therefore, we ask that there be a comprehensive environmental impact statement conducted on present, pending, and future military activities in that State. Until this cumulative environmental impact statement is conducted, we support a moratorium on all air space and land withdrawals.

We find it imperative that in this environmental impact statement that military aircraft be considered. Aircraft do affect the land and the people below it.

And most critical of all, we ask that any withdrawal of land or airspace be accompanied by public and congressional hearings onsite. It is a long way to Washington, DC. Many of the residents of Nevada and the West cannot afford to come here.

We understand that military activities are an issue of national security for many in Washington. But we cannot continue with these activities if the price we must pay is our constitutional rights as citizens, for, indeed, the rights of rural westerners have been violated, repeatedly and arrogantly, by the United States of America, and we know that Congress will respond to our problems.

I do have an addendum for the record.

[The prepared statement of Ms. Bukowski follows:]

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STATEMENT OF

GRACE BUKOWSKI

CITIZEN ALERT AND WESTERN SOLIDARITY

IN NEVADA

ON

SECTION 2412

A BILL "TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS"

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE

CONSERVATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

JULY 17, 1986

Statement of Grace Bukowski

Mr. Chairman and members of this Committee. I would like to begin by thanking this Committee for the opportunity to speak with you today.

My name is Grace Bukowski, staff person for Citizen Alert and Western Solidarity in Nevada. Citizen Alert is a statewide organization dealing with issues critical to the welfare of Nevadans. Western Solidarity is a coalition of western groups which was founded to organize western citizens to defend themselves and the land from wasteful and abusive military projects and dangerous nuclear-related activities in the West.

I am here to comment today on Bill S. 2412. Because of the military-related problems facing Nevada and the West, we feel strongly that the Nevada withdrawals must be examined closely. This bill, currently constituted is unacceptable.

Since statehood, Nevada has been utilized to build our nation's defense. Today, nearly 40% of Nevada's air space is restricted by the military. More land is dedicated to military activity (over 4 million acres) than any other state.

The Hawthorne, Nevada Army Ammunition depot is the largest in the nation. The 2.9 million acre Air Force range comprises the largest air and ground space available for military operations in the western world. The Navy and Air Force recently created "Supersonic Operations Areas" (SOA) in central and eastern Nevada which cover a land area only slightly smaller than the State of Massachusetts. Finally, Nevada also hosts the 864,000 acre Nevada Test Site. Together, the Test Site and Nellis Air Force Base comprise the nation's largest contiguous area of land withdrawn for military purposes.

Federal control of all but 13% of land in Nevada, combined with low popoulation density, make our state a prime testing ground for the latest military hardware. In addition to the four million acres currently under military control, this bill, if passed would withdraw nearly 3 million more acres of public domain lands in Nevada. The U.S. department of Energy stated in its Draft Environmental Assessment of the proposed Yucca Mountain high level nuclear waste repository that 50,000 acres of public land may be withdrawn for the project. More land withdrawals could occur should the Air Force decide to locate the Midgetman Missile on one of several sites in Nevada presently being considered.

Military control of land seems small compared to the extent of airspace control. Currently, 25,841 square miles of Nevada airspace is designated "Military Operations Areas" or MOAs, where non-supersonic aircraft operate. 7,675 square miles of airspace is restricted and the recently designated supersonic operation areas are another 7,060 square miles of airspace. (The Citizens of Dixie Valley living under the central Nevada SOAhave been subjected to sonic booms, low flights, communication blackouts, property damage, and health problems. Also of interest is that on June 20th of this year an F-114 jet crashed in Dixie Valley).

No doubt there are economic benefits from Nevada's close ties with the military, but recently Nevada has been deluged with additional proposals for military use of public land and airspace, and many citizens and public officials have become extremely sensitive to the impacts these projects may have on the health, economic, livelihoods and recreational interests of Nevadans and the people who visit us.

Citizen Alert and Western Solidarity are not anti-military organizations. We support an adequate national defense. We are however, alarmed by increased demands upon western land and air space. We are concerned that U.S. citizens who live in sparsely populated western lands are regarded as expendable by their own nation.

Becuase of these concerns we request that each land withdrawal proposed in this bill be considered on an individual basis.

We realize that each of these states has its own problems; therefore, we request individual environmental impact statements be required for each of these withdrawals. In addition, we believe it imperative that each of these withdrawals be accompanied by a comprehensive EIS which would review all present, pending, and future military activities in that state. Until such a thorough review with public hearings have been completed we support a moratorium on further military airspace and land withdrawals.

In light of the proposed high level nuclear waste dumpsite at Yucca Mountain and other DOE activities in the west we request that land withdrawn, or being considered for withdrawal for use by the DOE be included in comprehensive studies of land and air withdrawals. A discussion on the cumulative military and defense related impacts on private property, fish and wildlife, cultural, historic, recreational, wilderness, and other values of public lands must be completed. Nevada is being acquired in relatively small pieces, obscuring the overall impact these withdrawals are having on the state.

It is imperative that impacts resulting from operation of aircraft at subsonic and supersonic speeds also be included in these comprehensive studies. These flights affect the land below their routes. We request an evaluation on possible measures to mitigate the cumulative effects of land and airspace withdrawals in the west. Finally, it is critical that any withdrawal of public land or air space be accompanied by congressional and public hearings on site so that citizens of the affected western states can voice their concerns and problems. Too often, Congress assumes taht no one out West has an interest in these withdrawals. Nevadans are intensely concerned but Washington is a long way from Nevada. It is imperative that on-site hearings be held so that you gain a more complete understanding of the scope of this problem.

We understand that the activity of the U.S. Military is seen as an issue of national security by those in Washington who have daily business with the military. I have come to tellyou that military training is a local issue to Westerners. It is an enormous invasion upon our rights as citizens and we expect that Congress is going to respond to our problem. It is also to us that national security is meaningless if the rights of the people are violated, repeatedly and arrogantly, as they are currently being violated in the West.

ADDENDUM

TO THE TESTIMONY OF

GRACE BUKOWSKI

FOR S. 2412

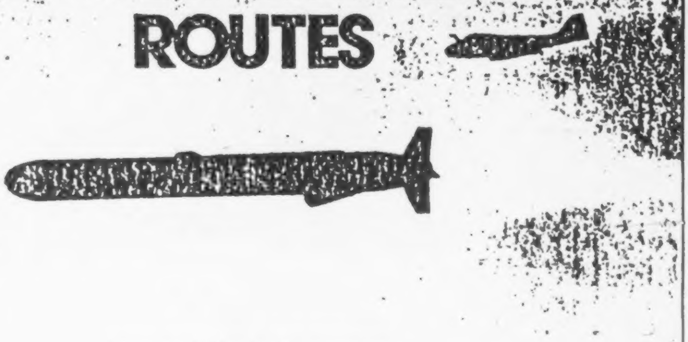
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER

AND RESOURCE CONSERVATION

U.S. SENATE

JULY 17, 1986

MILITARY TRAINING ROUTES



Low and fast is the practice;
see and avoid is the rule.

BY MARK TWOMBLY

McDONNELL DOUGLAS

(Above) Not your everyday traffic conflict. Unarmed Tomahawk cruise missiles are being tested along military training routes in California, Florida and near Puerto Rico.

United States military pilots are among the most competent in the world. They acquire their skills through rigorous training and stay sharp with constant practice. Much of that training and practice is conducted offshore and in special-use airspace including military operations areas (MOAs), alert areas and restricted areas. Civilian pilots recognize the need to exercise extreme see-and-avoid caution when flying in special-use airspace inhabited by military aircraft. But they may not be prepared for the sudden appearance of a formation of tactical fighters flying at 420 knots, 500 feet above the ground and hundreds of miles from the nearest MOA.

Military pilots operating below 10,000 feet msl are exempt from the 250-knot speed limit specified in Federal Aviation Regulation 91.70 when operating in restricted areas, MOAs and along military training routes. (The military's waiver from 91.70 also permits pilots to exceed 250 knots when involved in special exercises, when authorized to do so by their major command, and when the aircraft flight manual dictates a higher speed. For example, most fighter aircraft have recommended minimum climb and descent speeds of about 300 knots.)

Military training routes were established to provide pilots with realistic combat practice in evading radar and anti-aircraft fire by flying to their targets at low altitudes and high speeds.

There are about 500 high-speed, low-level (under 10,000 feet msl) military training routes over the continental United States, divided into two categories: VR routes, which are flown under visual flight rules in visual meteorological conditions, and IR routes, flown IFR regardless of weather conditions. These military corridors attract a variety of aircraft and missions: Boeing B-52s on practice bombing runs, McDonnell Douglas F-15 fighter pilots brushing up on tactics enroute to dogfight practice areas, General Dynamics F-111s on terrain following night flights in instrument meteorological conditions and McDonnell Douglas F-4s carrying mock missiles to fire at make-believe tanks.

IR and VR military training routes are depicted on National Ocean Survey (NOS) sectional charts as narrow, pale gray lines overlaid with the route identifiers, which are three- or four-digit numbers. A four-digit number signifies a route flown at altitudes ranging from the surface to 1,500 feet above ground. Routes that extend above 1,500 feet agl are identified by a three-digit number.

(There are two other types of military training routes not shown on sectionals: slow-speed—less than 250 knots—low-altitude routes, and aerial refueling tracks, which are higher than 10,000 feet. They are not depicted on charts because of the additional clutter they would impose.)

The width of the IR or VR line on a sectional has no relation to the actual dimensions of the route. Military training routes range in width from two to more than 26 nm wide. Several military training routes may follow the same path at different altitudes and widths.

The extent of the military training route network in the continental United States is graphically illustrated on special charts published by the Defense Mapping Agency. Military training route charts are published for the Eastern, Central and Western United States. Military training routes are shown in red (IR), blue (VR) and black (slow-speed low-altitude). The points at which aircraft enter a route, make heading changes and exit also are shown. Without topographical, navigation, communication and airspace symbology to clutter the presentation, the military training routes charts show a tangled web of twisting red, blue and black lines.

The charts are distributed with the *Department of Defense Area Planning Document AP/1B,* which lists the coordinates of each military training route segment, width in nautical miles, the altitude at which it is flown, hours of operation, terrain-following operations, special operating procedures such as obstructions and airports to avoid, nearby flight service stations and the military facility that originates and schedules each route.

For thorough preflight planning, you can consult the AP/1B charts and planning booklet to see if military traffic might be expected on the routes that cross your course. The charts and booklet are available from the NOS Distribution Branch (Riverdale, Maryland 20737) for $36 for an annual subscription or $5.50 for a one-time order. (Telephone orders are accepted, but must be charged to a Visa or MasterCard account. Telephone 301/436-6993 for a subscription order or 301/436-8194 for a one-time order.)

MILITARY TRAINING ROUTES

A military pilot may be too busy to scan for other aircraft.

You also can ask a flight service station specialist for the information. Every FSS receives copies of the AP/1B charts and area planning booklet, and a specialist should be able to tell you what you need to know about a particular military training route, including the affected altitudes, widths and hours of operation. You have to ask for the information—it will not be volunteered—and specify the routes you are interested in.

Flight service stations are supposed to be given a day's notice when a training route will be active, but that is not always the case. In addition, military pilots are supposed to contact the nearest FSS to report the time and position at which they plan to join a training route, and the exit point. However, it is possible the FSS may not hear the transmission if the military aircraft is too low.

Military pilots usually fly training routes in formations of two or more aircraft. Some of the aircraft are equipped with radar that can detect transponder signals and primary returns from other aircraft, but visual contact is the primary method of collision avoidance for military pilots flying in visual meteorological conditions. However, pilots on a low-level, formation practice run may be too engrossed in scanning cockpit instruments, looking for birds (considered to be at least as hazardous as other aircraft), conducting mock bombing and strafing runs on buildings and vehicles and looking at each other to notice a small aircraft converging on their route. For those reasons, civilian pilots must be especially vigilant when crossing a military training route.

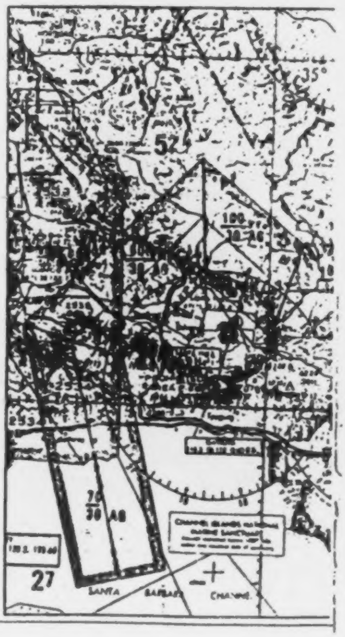
There have been no midair collisions between general aviation and military aircraft on military training routes in the past five years, according to the National Transportation Safety Board, but there have been some close calls. Since January 1, 1981, there have been 71 reports from pilots of near-midair collisions (less than 500-foot separation) on military training routes, according to NASA's Aviation Safety Reporting System. At least 58 involved military and general aviation aircraft, including 32 between small (under 5,000 pounds) general aviation aircraft and military bombers and 20 between small aircraft and military fighters. There were six reports from military pilots of near-collisions in which the size and type of the other aircraft were not identified. In 77 percent of the reports, the near midair occurred below 3,000-feet agl.

Most military training routes are over sparsely populated areas, but some cross airports and residential areas. Operating rules call for military pilots to avoid flying within three miles and 1,500 feet of airports when practicable and to avoid noise-sensitive areas, obstructions and nuclear power plants.

Military fighters, reconnaissance aircraft and bombers are not the only aircraft that fly military training routes. The U.S. Air Force and Navy are testing cruise missiles along two training routes in the continental United States, and on overwater routes near Puerto Rico. A West Coast cruise missile test route, VR200, originates over the Pacific Ocean west of Santa Barbara, California, and snakes north and east into a huge complex of MOAs and restricted areas near Edwards Air Force Base, ending in Nevada. An East Coast route, IR030, begins in the Gulf of Mexico east of Pensacola, Florida, then travels inland over Eglin Air Force Base, turns northwest into Alabama and south and east into the Pensacola North MOA. The Puerto Rican route, IR026, passes just to the west of St. Thomas on a south heading, then turns northwest toward warning and restricted areas over the east end of the Island of Vieques. A second route, IR027, begins southeast of Puerto Rico and converges with IR026 near Vieques.

The cruise missile test routes are depicted on the New Orleans, Los Angeles, Las Vegas and San Francisco sectionals, and the Puerto Rico-Virgin Islands terminal area chart. The widths and altitudes of the routes are shown, as well as frequencies of area FSSs to contact for information. When the routes are active, notams are issued by the FSSs nearest the routes: the Lancaster, California, and Crestview, Florida, FSSs and the San Juan, Puerto Rico, IFSS.

Cruise missiles used in the tests are 18 feet long and 21 inches in diameter, and travel at about 475 knots. Two military aircraft follow the missiles in close formation on each test flight, and a third surveillance aircraft follows at high altitude. An estimated 60 to 70 test firings have been conducted since 1978 on the West Coast route. The East Coast route has been used only once—last December—and the test was aborted just after the missile crossed the shoreline. The parachute-equipped missile drifted as it descended and landed about eight miles



east of the training route in a sparsely populated area.

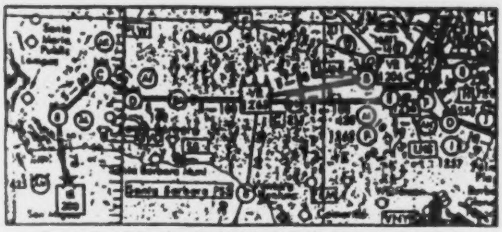
Cruise missiles are designed to carry either nuclear warheads or conventional explosives, but there has been only one armed test flight. An armed Tomahawk cruise missile was launched from a submarine in the Pacific Ocean off southern California and detonated on San Clemente Island.

Aircraft flying to and from the Los Angeles area on IFR flight plans often are vectored across the cruise missile route, according to a specialist at the Lancaster FSS, but the ceiling of the missile route is lower than the MEA. There have been no reported sightings of cruise missiles by civilian pilots, according to military officials and FSS specialists at Lancaster and Crestview.

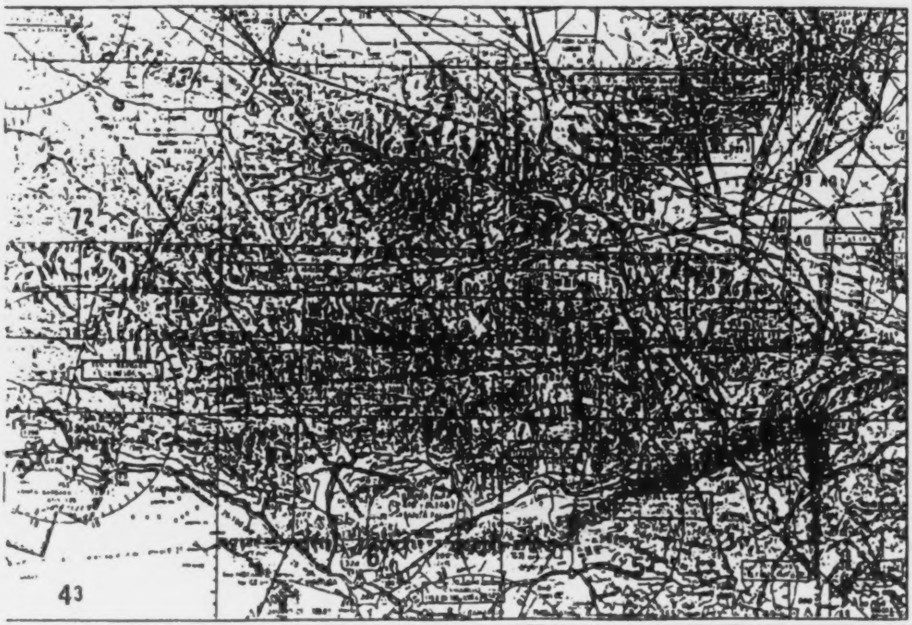
There are some common-sense rules to lessen the odds of encountering cruise missiles, jet fighters or other high-speed military aircraft in open airspace. As part of your preflight planning, examine sectionals closely for military training routes that intersect your route. Check with an FSS specialist for details on training route altitudes and possible activity. Fly with lights on to make your aircraft more visible to others, and keep your head on a swivel.

It is easy to overlook a military training route when scanning a sectional prior to a flight. The routes are not conspicuous on the cluttered charts, and you have to ask the flight service station specialist for the status of specific routes—something few pilots do.

It is also easy to become complacent about the potential for encountering military traffic because few pilots have experienced it—or so they think. It is difficult to spot a low-flying, high-speed aircraft. It can be even more difficult to avoid one. A fighter traveling at 420 knots covers seven miles in a minute. If a military jet and a lightplane are a mile apart and closing at a combined speed of 540 knots, each pilot will have about 6.5 seconds to spot the traffic and take evasive action. That's hardly enough time for the pilot to wish he had planned his route better. ◻



Portion of a military planning chart (above) clearly shows a complex military training route network in Southern California. By contrast, the thin, pale gray lines on the Los Angeles sectional that identify the same military training routes are difficult to distinguish. The exception is IR200, a cruise missile test route that originates in the Santa Barbara Channel south of the Gaviota VOR. Width and altitudes of the route are shown on the sectional.



Is Nevada Becoming a Military Reservation?

Bob Fulkerson

Since statehood, when gold and silver from Nevada mines helped finance the Union Army, Nevada has been committed to the nation's defense. Today, nearly 40 percent of Nevada airspace is restricted by the military, and more land is dedicated to military activity (4.069 million acres) than in any other state.

The Hawthorne, Nevada Army Ammunition Depot is the largest in the nation. The 2.9 million acre Nellis Air Force Range comprises the largest air and ground space available for military operations in the western world. The Navy and Air Force recently created supersonic air combat training areas, or "Supersonic Operations Areas," in central and eastern Nevada, respectively, which together cover a land area only slightly smaller than the state of Massachusetts. Finally, Nevada also hosts the 864,000 acre Nevada Test Site in southern Nye county, where some 650 nuclear weapons have been exploded since January, 1951. Together, the Test Site and Nellis comprise the nation's largest contiguous area of land withdrawn for military purposes (see Figure 1).

Federal control of all but 13 percent of land in Nevada combined with low population density and a desert wasteland image, make this state a prime testing ground for the latest military hardware. No doubt there are economic benefits from Nevada's close ties with the military: the total projected economic impact of the Department of Energy in 1985 approaches $1 billion in payroll and expenditures, and exceeds 20,000 persons employed. Department of Defense branches employed nearly 14,000 people in 1985, and expended nearly a half billion dollars in payroll and contracts.

But recently Nevada has been deluged with additional proposals for military use of public land and airspace, and many citizens and public officials are becoming extremely sensitive to the impacts these projects may have on the health, economic livelihoods and recreational interests of Nevadans and the people who visit here.

In addition to the four million acres currently under military control, some 255,000 acres are now being considered for new withdrawals from the public domain. The Navy has proposed a 202,899 acre expansion of its four bombing ranges in Churchill County (see Table 1). The U.S. Department of Energy stated in its Draft Environmental Assessment of the proposed Yucca Mountain high level nuclear waste repository that 50,000 acres of public land may be withdrawn for the project.* More land withdrawals could occur should the Air Force decide to locate the Small Intercontinental Ballistic Missile (Midgetman) on one or several of the six sites in Nevada presently under evaluation.

Table 1

Land Acreage Withdrawn for Military Use in Nevada	
Air Force	2,896,718
Groom Range (Nellis expansion)	89,600
Army	155,266
Navy	63,657
Department of Energy	864,000
TOTAL	4,069,241

Source: All figures except Department of Energy and Groom Range from Nevada *Lands Statistics*, Bureau of Land Management, 1984; Department of Energy statistic from Las Vegas Office of U.S. Department of Energy; Groom Range statistic from Groom Range Draft Environmental Impact Statement, 1985.

Pending Land Withdrawals	
Navy: Bravo 16, 17, 19 bombing range expansion	181,323
Navy: Bravo 20 bombing range expansion	21,576
TOTAL	202,899

Source: Navy Draft Environmental Impact Statements.

The Major Problem: Lack of Oversight

Theoretically, Congress must examine and approve military land withdrawals of 5,000 or more acres. But the key issue for military airspace withdrawals is that setting the criteria for evaluating the withdrawals is the responsibility of the proposing agency alone. Furthermore, the final determination of the location of the area is left to the proposing agency's discretion. In Nevada's case the two proposing agencies for new airspace designations are the Navy and Air Force. Both contracted with their own firms to develop the required environmental studies, and neither Congress, the Environmental Protection Agency, nor the state of Nevada has the legal authority to influence the decisions that are based on these studies. The Federal Aviation Agency formally objected to supersonic air combat training proposed by the Navy, but could do nothing more.

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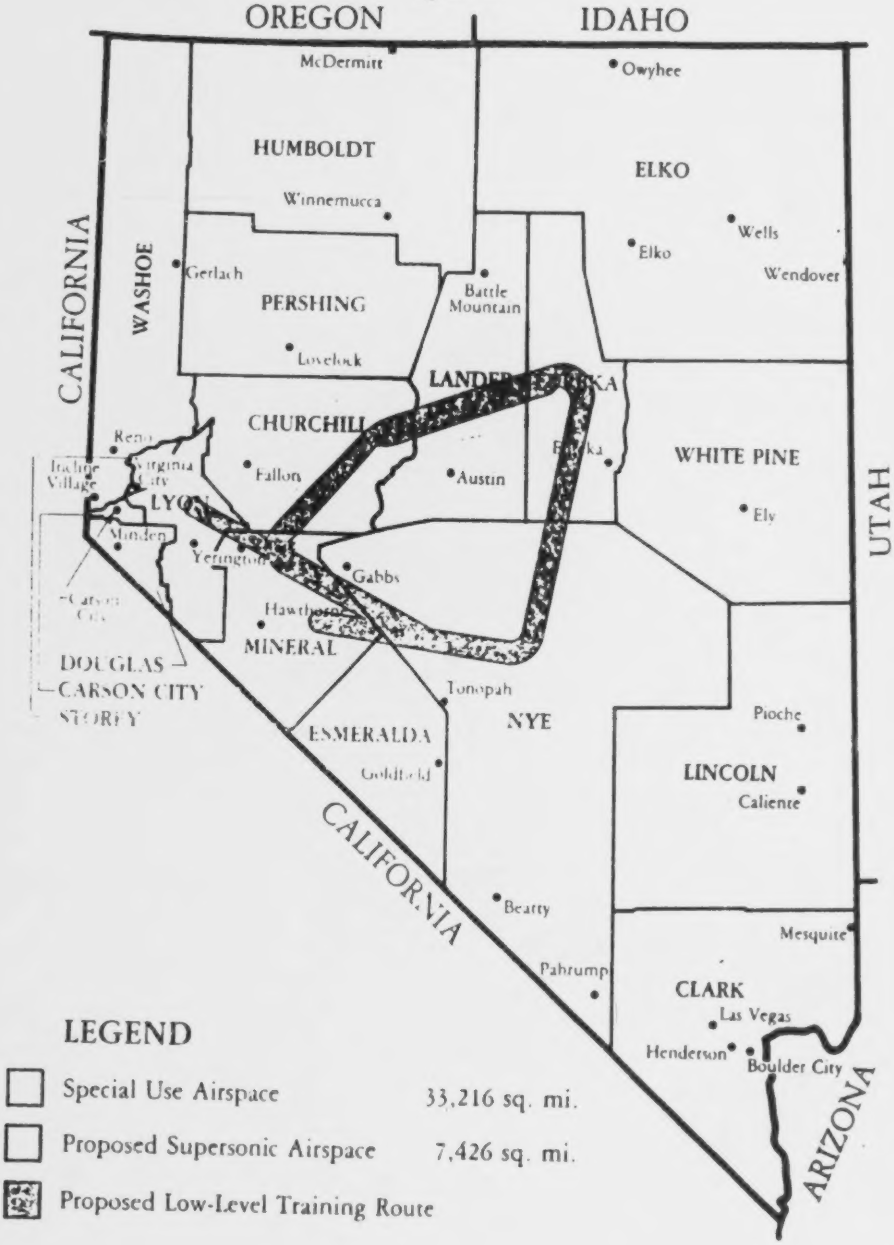
*The production of nuclear weapons accounts for 98 percent of all high level radioactive wastes by volume. As a result of President Reagan's decision in April 1985, approving the commingling of civilian and defense wastes, much of these defense wastes would be shipped to the repository.

Bob Fulkerson is executive director of Citizen Alert, a non-profit organization based in Nevada.

Figure 1.


OREGON
IDAHO
CALIFORNIA
UTAH
ARIZONA
CALIFORNIA
McDermitt
Owyhee
HUMBOLDT
ELKO
Winnemucca
Wells
Elko
Wendover
WASHOE
Gerlach
PERSHING
Battle Mountain
Lovelock
LANDER
EUREKA
CHURCHILL
Reno
Indian Village
Virginia City
Fallon
Austin
Eureka
WHITE PINE
Ely
LYON
Minden
Yerington
Gabbs
Carson City
Hawthorne
MINERAL
DOUGLAS
CARSON CITY
STOREY
Tonopah
ESMERALDA
NYE
Goldfield
Pioche
LINCOLN
Caliente
Beatty
Mesquite
Pahrump
CLARK
Las Vegas
Henderson
Boulder City
LEGEND
☐ Special Use Airspace 33,216 sq. mi.
☐ Proposed Supersonic Airspace 7,426 sq. mi.
▨ Proposed Low-Level Training Route

Impacts on Ranching and Mining

Ranching and mining are the industries most clearly affected by military expansion. According to Bob Warren, executive secretary of the Nevada Mining Association, the mining industry in Nevada may face severe restrictions on use of land for mineral exploration and production (*Rural Nevada Forum*, Issue No. 1, 1983). The Navy land withdrawal announcement, published in the October 21, 1983, issue of the *Federal Register*, states

> The above-described lands shall be segregated from the operation of the public land laws, including the mining laws, and (the withdrawal) would prevent any form of disposal or appropriation under such laws.

Even if land under mineral exploration or development is not segregated from the mining laws for military purposes, supersonic jet activity overhead will affect mining operations. According to Nevada Resources Inc., a firm developing mining claims beneath the Navy's Supersonic Operations Area (SOA) in north-central Nevada, "The demonstrated adverse psychological effects of continuous sonic booms could result in an unhealthy work environment, less productivity and costly high turnover among employees." (Letter from Peter H. Hahn, Chief Geologist, to Department of the Navy, Western Division, January 10, 1985. Included in the *Navy Supersonic Operations Area Final Environmental Impact Statement*.)

Ranchers are also concerned about military activity encroaching upon their grazing areas. The Nevada Cattlemen's Association adopted a resolution that recommends no further land withdrawals be made in Nevada without full compensation for the full value of existing range and water rights (Annual Meeting, 1985). In another resolution the Association urged the Navy to use other available areas for supersonic jet training, such as the Utah-Nevada salt flats, Nellis, oceans or the Nevada Test Site (Annual Meeting, 1982).

Churchill County rancher Hammie Kent grazes cattle on the Stillwater Range beneath the Navy SOA. His family has owned grazing rights in the area for over 100 years, and he fears that the sonic booms will drive his cattle off the range. He is also concerned whether the buckaroo who tends his cattle will be able to live with the daily sonic booms (telephone interview, August 30, 1985).

These concerns are well founded. The state Department of Agriculture predicts "... there would be damage to livestock within the proximity of the SOA and the value of the damage could be substantial." (Memorandum from Dept. of Agriculture Director Thomas W. Ballow to John Walker, Office of Community Services, March 1, 1985; *Navy*, 1985.) Many citizens doubt assurances by military personnel that some lands withdrawn for military purposes are compatible with mining and ranching. This suspicion is rooted in the history of the Nellis Air Force Range.

Ranchers and miners were allowed to co-use sections of the Nellis Air Force Range from the time of its establishment in 1940 until 1959. But this system was ultimately deemed incompatible with military operations, and grazing and mining activities were cancelled following Air Force purchase of all existing mineral and grazing rights. Now that the Navy has offered to buy mining, cattle and other private landholdings beneath the SOA, many fear the door is open to another Nellis-style takeover of central Nevada.

Sophisticated Guesswork: Fiscal Impacts

As a mitigating measure, the Navy has agreed to purchase the private property of some 30 persons living in Dixie and Fairview Valleys. If others who live beneath the supersonic operations area desire to be bought out, their requests will be considered by an eight-member committee composed of Navy, Interior Department and state of Nevada representatives.

As the Navy proceeds to purchase these private landholdings in north-central Nevada, federal control of Nevada land will increase beyond the present 87 percent. Approximately 40,000-50,000 cattle now graze beneath the supersonic operations area, and there are 60-70 active mining claims. County governments will lose revenues generated by these ranching and mining operations if they are sold to the Navy.*

But John Walker, a planner in the Nevada Office of Community Services, predicts these losses will be more than compensated for by the revenues generated from the increased payroll of the $100 million expansion of the Fallon Naval Air Station (personal communication). Because the Navy base is in Churchill County, most or all of the revenue subject to the sales tax will benefit Churchill County.

To show the true economic impact of current and proposed military activities requires a fiscal analysis which contrasts tax-base losses with gains from military payroll and expenditures which may offset reduced tax revenue. Unfortunately, this information does not exist. (See Table 2 for military personnel, payroll and expenditures and Table 3 for federal expenditures in Nevada.)

Military Control of Nevada Airspace

Military control of land seems inconsequential compared to the extent of airspace control. Currently, 25,541 square miles of Nevada airspace are designated "Military Operations Areas" or MOAs, where non-supersonic aircraft operate, although a portion may be reserved for supersonic flights. 7,675 square miles of airspace is restricted, meaning pilots must be granted permission by the controlling agency before entering. The recently designated supersonic operations areas, among the first in the nation, comprise 7,000 square miles of airspace. Both military operations areas and supersonic operations areas usually require land withdrawals for electronic surveillance sites and target ranges.

When jet aircraft fly at supersonic speeds and break the sound barrier, sonic booms are produced. Both the Navy and Air Force predict in their environmental studies that dozens of sonic booms will occur every day. This is precisely why sparsely populated areas were chosen for supersonic training: fewer people would be harmed.

That repeated sonic booms cause health problems and reduce property values is not disputed. The Navy's Environmental Impact Statement states "The potential enjoyment of recreational opportunities would be reduced ... (and) would increase the risk of accidents and personal

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*Under the Federal Land Policy and Management Act of 1976, the federal government gives "payment in lieu of taxes" to county governments in recognition of having non-taxable public land within their counties. At present, it is unclear whether private property purchased by the Navy will become public domain or will be leased to other operators.

Table 2

Defense Personnel and Expenditures in Nevada

FISCAL YEAR 1983 (DOLLARS IN THOUSANDS)

Personnel/Expenditures	Total	Army	Navy & Marine Corps	Air Force	Other Defense Activities
I. Personnel - Total	13,696	288	1,038	12,345	25
Active Duty Military	11,824	46	757	11,021	–
Civilian	1,872	242	281	1,324	25
II. Expenditures - Total	$542,828	$81,861	$60,094	$394,016	$6,857
A. Payroll Outlays - Total	384,146	37,663	48,481	297,322	680
Active Duty Military Pay	198,489	1,546	11,958	184,985	–
Civilian Pay	43,846	6,083	6,608	30,475	680
Reserve & National Guard Pay	9,718	3,811	1,730	4,177	–
Retired Military Pay	132,093	26,223	28,185	77,685	–
B. Prime Contracts over $25,000 - Total	158,682	44,198	11,613	96,694	6,177
Supply Contracts	48,954	1,045	921	44,223	2,765
R&D Contracts	4,099	34	75	923	3,067
Service Contracts	86,975	29,931	5,915	50,784	345
Construction Contracts	18,325	12,859	4,702	764	–
Civil Function Contracts	329	329	–	–	

Major Locations of Expenditure	Expenditures			Major Locations of Personnel	Military and Civilian Personnel		
	Total	Payroll Outlays	Prime Contracts		Total	Act. Duty Military	Civilian
Nellis AFB	$245,029	$190,155	$54,874	Nellis AFB	10,609	9,617	992
Las Vegas	99,153	83,431	15,722	Fallon	969	708	261
Henderson	47,378	4,128	43,250	Las Vegas	656	582	74
Hawthorne	34,336	5,032	29,304	Lake Mead Base	441	441	–
Fallon	[illegible]	[illegible]	[illegible]	Indian Springs	357	312	45
Reno	28,573	26,537	2,036	Reno	287	45	242
Carson City	9,092	8,841	251	Hawthorne	187	78	109
Lake Mead Base	8,063	8,063	–	Carson City	94	8	86
Sparks	7,731	6,885	846	Stead AFB	28	–	28
North Las Vegas	7,296	7,296	–	Mercury	26	10	16

Prime Contracts Over $25,000	Total	Army	Navy & Marine Corps	Air Force	Other Defense Activities
Fiscal Year 1983	$158,682	$44,198	$11,613	$96,694	$6,177
Fiscal Year 1982	105,373	35,385	16,294	48,190	5,504
Fiscal Year 1981	75,294	22,976	7,754	41,992	2,572

Top Five Contractors Receiving the Largest Dollar Volume of Prime Contract Awards in This State	Total Amount	Major Areas of Work
1. G T E Products Corp	$43,139	Components for missiles
2. Day & Zimmerman, Inc. & I. E. Basil, JV	27,235	Operation of government ammunition facility
3. Ford Aerospace & Communications	13,052	Communication equipment maintenance & repair
4. Arcata Associates	5,444	Electronic maintenance and equipment repair
5. Dalton Properties, Inc.	5,234	Electronic maintenance and equipment repair
TOTAL OF ABOVE	$94,104	(59.3% of total awards over $25,000)

Source: State Clearinghouse, Office of Community Services (1985)

Table 3

Federal Government Expenditures or Obligations in Nevada: Fiscal Year 1984

(THOUSANDS OF DOLLARS)

State and County Area	Total Direct Expenditures or Obligations		Salaries and Wages		Procurement Contract Awards	
	Total	Defense Department	Total	Defense Department	Total	Defense Department
Nevada	2,824,1[illegible]	520,367	461,[illegible]00	252,720	708,830	128,604
Churchill County	71,081	11,400	20,852	18,851	22,092	20,459
Clark County	1,783,400	398,444	458,744	211,774	722,448	84,021
Douglas County	20,567	1,068	1,603	75	1,973	98
Elko County	51,305	1,104	8,420	240	4,119	
Esmeralda County	1,0[illegible]	507	181		357	370
Eureka County	2,012		152	–	111	–
Humboldt County	18,910	340	5,148	[illegible]	848	–
Lander County	15,335	[illegible]	1,967	[illegible]	548	
Lincoln County	8,820	601	888		225	–
Lyon County	55,045	1,755	1,281	24	2,966	
Mineral County	45,66[illegible]	27,281	6,010	4,411	21,678	21,626
Nye County	24,935	2,615	4,459	873	1,068	318
Carson City (urban area)	16[illegible],381	5,843	12,032	5,952	2,128	529
Pershing County	12,7[illegible]	557	419	8	246	204
Storey County	2,094	12	104	10	56	–
Washoe County	455,507	61,497	77,841	12,19[illegible]	17,813	1,728
White Pine County	28,044	995	5,274	[illegible]	478	–
State undistributed	75,265		–	–	–	–

Source: [illegible] Federal Expenditures by State for Fiscal Year 1984, Washington, D.C.

tions because of static effects, [illegible] in specific areas could be reduced" (Navy, 1985, 1-4).

The report further states: "Sonic booms could have adverse impacts on the autonomic nervous system, including short and long-term changes in the vascular, respiratory, endocrine and/or gastrointestinal systems" (5-54). Finally, the study admits: "The proposed action would, however, possibly involve tradeoffs between long-term well-being of certain individuals and the maintenance of a high degree of Navy combat readiness" (5-66).

Another type of military airspace activity involves Strategic Air Command/Air Force low-level (400-5,000 feet above ground level) training routes. These routes are typically four miles on each side of a centerline, over isolated areas, and are used by FB-111, B-52 and B1-B aircraft.

Last February, the Strategic Air Command issued an Environmental Assessment and Finding of No Significant Impact (or FONSI), meaning no public controversy or significant environmental problems are expected, on a proposed low level route over eastern Nevada. The Air Force issued the FONSI ruling without prior consultation with the state, and Governor Bryan called for full public hearings. When citizens of the Duckwater Indian Reservation directly beneath the route learned of the proposal, they generated dozens of letters and phone calls to the Nevada congressional delegation, the governor and the Air Force. One month later the Air Force announced it was cancelling the proposal.

Last August, the Air Force proposed another low-level route over Mineral, Esmeralda, Nye, Eureka, Lander, Churchill and Lyon counties. The new route utilizes some airspace already designated for this activity, as well as existing sites and ranges owned by the Naval Air Station at Fallon. According to Hugh M. Stirts, chief of Environmental Planning Division, Strategic Air Command, activity for this route consists of four aircraft per 24-hour period, five days per week (Stirts, undated). Although the Air Force announced it would prepare an Environmental Assessment, Congressman Barbara Vucanovich has requested a full EIS with public hearings before implementation of the route.

Another proposal by the Strategic Air Command, the "Strategic Training Range Complex," dwarfs all of the SOA and low-level proposals combined. Covering 250,000 square miles of the western United States, SRTC is an air-warfare training complex which involves low-altitude B1-B, FB-111 and B-52 H/G flights over rural areas of Montana, Wyoming, Idaho, Nebraska, North and South Dakota and Nevada (*Aviation Week and Space Technology*, April 29, 1985, p. 101). Although the massive project is now in its first stage of development, a programmatic environmental assessment was completed in 1981.

Dr. Richard Bargen, a Fallon physician, filed suit in U.S. District Court in Reno last August, charging that a major federal project of such immense geographical extent must undergo a thorough environmental review. The suit seeks a temporary restraining order until a programmatic EIS with public hearings is completed.

Political Maneuvers

Nevada Congressman Harry Reid is concerned about the lack of congressional oversight on military airspace decisions. Reid has gone on record saying " approximately 10 million acres of airspace are used for air warfare training by the military. No one questions our need to maintain national security, but this kind of control is excessive, abusive, and unwarranted." (*Citizen Alert Newsletter*, April-March, 1985). To help alleviate this, Reid has introduced the "Public Lands Airspace Protection Act" (H.R. 1580). The bill would amend the Federal Aviation Act of 1958 to provide that no airspace over non-military public lands can be established unless the area is designated by an act of Congress.

Other Nevada politicians are becoming wary of military expansion in the air and on the land. Governor Bryan has requested that any additional airspace proposals by the Department of Defense (DOD) be reviewed in the context of all special use airspace (particularly supersonic) within the western United States. Moreover, he has gone on record opposing further military expansion in Nevada until the DOD prepares, in cooperation with the state of Nevada, a long term, comprehensive land utilization plan encompassing the entire state of Nevada. State planners have also stated that the cooperation and coordination by DOD agencies, particularly the Navy, with local and state officials has been deficient (John Walker, Office of Community Services, personal communication).

These politicians are not the first to wrestle with the military over control of public lands. Attempts to control military encroachment on public lands date back at least 30 years, when California Congressman Clair Engle pushed through legislation to mandate congressional oversight of, and to facilitate public participation in, military land transfers between the departments of Interior and Defense. Engle had Nevada in mind when convincing his colleagues to support the legislation now known as the Engle Act of 1958:

> (In the past,) the Army, the Navy and the Air Force would simply make out a slip of paper in the nature of an application to the Interior Department asking for an area perhaps 100 miles long and 50 miles wide in the state of Nevada, and send it over to the Secretary of Interior saying it was absolutely necessary to their operations, and that area was set aside for those military operations and put into what could be regarded as a legal nebus . . . It was our concern over that problem that brought on this legislation. (*Congressional Record* House, 1957, 5512)

Another concern expressed at that time relating to military land withdrawals in Nevada and elsewhere was the necessity for local hearings, enabling citizens to comment upon proposed land withdrawals:

> One of the biggest complaints that appeared before our committee was that when the military moved into an area and took large sections of public domain, they would do it without seeking any advice, assistance, or consultation with the local people. (Saylor, *Congressional Record*, 1957-5521)

In the debate on the Engle Act, Nevada Senator Alan Bible echoed many of the concerns still heard from Nevada citizens and public officials:

> It is the judgment of the Committee on Interior and Insular Affairs that the military use of public lands has been flagrantly abused and the measure now before us provides a means of assuring that, in the future, a clear showing of actual need must be made to the Congress before public lands in excess of 5,000 acres will be set aside for use by the Army, Navy or the Air Force. (*Congressional Record*-Senate, 1957)

The Engle Act was aimed at incidents such as that of March 1984, when the Air Force illegally took control of 89,000 acres of public domain in the Groom Range in western Lincoln County. The Air Force posted armed guards to prevent citizens from hunting, mining and pursuing recreational interests. Under questioning from House Public Lands subcommittee Chairman John Seiberling, Air Force Undersecretary John Rittenhouse admitted, "We had no legal authority (to turn people away)." (*Las Vegas Sun*, August 7, 1984, p. 1). While no one doubted the necessity for the land access to be restricted, (the range overlooks top secret Area 51 on the Nevada Test Site), the action symbolized precisely what the Engle Act was designed to prevent.

Conclusion

The conflict between DOD dollars and the quality of life in Nevada has reached acute proportions. "Lawful" practices such as subjecting a few hundred rural persons to continual sonic bombardment raise serious questions about due process and equal protection of the law. Our country is founded on the belief that violating the constitutional rights of one or several citizens is just as unlawful as violating the rights of a million citizens.

Many of Nevada's influential politicians and citizens tolerate increased military activities, not only due to concern for national security, but also because of the attendant payrolls and expenditures. The danger of such logic is that it carries the possibility of Nevada becoming a military reservation.

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AF admits to illegality of NTS land grab

8/7/84

By CHRIS CHRYSTAL

WASHINGTON (UPI) — A U.S. Air Force official admitted to a congressional panel Monday that orders to close public access to Groom Mountains in Nevada, overlooking a top secret military testing area, were illegal.

The Air Force is seeking authority to control an 89,300-mile area of a remote, federally-owned desert mountain range in Lincoln County that rises above Area 51, a highly secret area next to the Nevada Test Site used to test the Stealth Bomber and Reagan's "Star Wars" defense system.

Without legal authority, the Air Force closed the Groom Mountain Range, posting guards to deny public access to its water, mining and hunting.

Wildlife including mule deer, antelope, desert Bighorn sheep and mountain lions roam the area.

A House bill before the subcommittee would withdraw the land from public use and give the Air Force control of it. The measure also renews the previous withdrawal of 2.9 million acres that comprise the Nellis Air Force Range.

During questioning by Chairman John Seiberling, D-Ohio, of the House Interior public lands subcommittee, John "Jack" Rittenhouse, an assistant to the Air Force's deputy installation secretary, said the orders to close the area came from either the Air Force secretary, Defense Secretary Caspar Weinberger or President Reagan.

Seiberling asked about the legal authority to close the area.

Rittenhouse hedged, saying he couldn't "go further" except in a closed briefing.

"Why a closed briefing? I just want to know your legal authority," Seiberling said. "Shades of Watergate!"

Rittenhouse huddled briefly with an Air Force lawyer, then told Seiberling he had misunderstood the question.

"We had no legal authority, but we asserted the right to request people that they not enter," Rittenhouse said.

"If you have no legal authority, you have no right," Seiberling said.

Rittenhouse said security needs in the area are "paramount," and acknowledged the Soviets could use a satellite to spy on Area 51, which is so secret it doesn't appear on unclassified maps.

"Total use of that property would be to control access and nothing more. We are not taking any water," Rittenhouse said.

He said the Air Force "will pay the (Pat) Sheahans fair market value for the land being taken."

Reps. Harry Reid, D-Nev., and Barbara Vucanovich, R-Nev., and Gov. Richard Bryan testified in 'avor of the bill, but only if Nevadans are fully compensated.

"Some Nevadans believe that he closing of the lands under the banner of national security is an arrogant display of power," Reid said.

Bryan said the Air Force "attempted to hoodwink the Congress" and state of Nevada by adding the 89,300-acre withdrawal to a routine request without public review. The move was discovered accidentally.

The Pat Sheahan family has owned and mined Groom Mine on the property the Air Force wants to take since the 1880s and has legal rights to 22 mostly-patented mining claims, Reid said.

The Air Force is negotiating to allow the Sheahans limited access to the property, Reid said.

He proposed as a "viable option" that the federal government buy 9,000 acres of private land on the edge of Red Rock Recreation Area, or give the state an 80-acre parcel of Bureau of Land Management land for a veteran's cemetery.

Frank Edwards, assistant director of the BLM, said the Defense Department also proposes to withdraw 3,200 acres on the southern boundary of the Nellis range to deny public access.

A surprised Vucanovich, a member of the Interior Committee, said she had never heard of the proposal.

"We Nevadans are patriotic, and we certainly believe in a strong national defense, but we also want to be treated fairly," Vucanovich said.

During the hearing, Seiberling asked Rittenhouse for an Air Force explanation of an alleged firebombing of private property outside the Nellis Air Force Range boundaries that demolished a $100,000 mill, which he said the Sheahan family built in the 1950s.

"Fighter planes strafed the property while family members and children were present," Seiberling said, displaying before-and-after photographs of the mill.

Rittenhouse said he knew nothing of the incident or an Force investigation of it.

"Are you saying the Air F never investigated it? I find unbelievable," Seiberling "Somebody didn't worry abou boundaries of the test range. saw an old mill and said, looks like a good target,' 'whammo!'"

Pictures and information to the subcommittee did no dicate when the alleged bom occurred, Seiberling said.

Gov. Bryan fires at Air Force

WASHINGTON (UPI) — Gov. Richard Bryan complained Monday he Air Force has tried to "hoodwink the Congress and the state of Nevada" in its withdrawal of 89,000 acres overlooking a secret military testing area in Southern Nevada.

Bryan told the House Public Lands and National Parks Subcommittee in Washington D.C. the land was taken from public use without an nvironmental impact statement or a chance for the public to review he Air Force proposal.

"For years, Nevadans have acquiesced to defense-related land withdrawals, but the time has come to draw the line," said the governor. The Air Force wants to add the 89,000 acres to the 2.9 million acre Nellis Air Force Base Bombing Range. It is a mountain range which overlooks an area where the super secret Stealth Bomber may be undergoing tests.

"I strongly suggest to you that the day is past when the federal government can look at Nevada ... as an unpopulated wasteland to be cordoned off for whatever national purpose seems to require it," he old the subcommittee.

Las Vegas Sun Aug. 7, 1984

Western Sportsman
August, 1984

Mine Strafed, Bombed By Air Force

by Bill Vincent

Several months ago Pat and Bob Sheahan were driving to their Groom mine, west of Alamo. They were stopped at a road block by armed guards. The newly established security post was set up by the Air Force and the Department of Defense on the road the Sheahans had built with help from Lincoln County.

The Sheahans and other motorists, who also were stopped had run head-on into the first evidence that the A.F. and D.O.D. had taken over 89,000 acres of the Groom Range and Tickaboo Valley as an expansion of the Nellis Bombing and Gunnery Range. This put the Groom mine 10 miles inside the Nellis range.

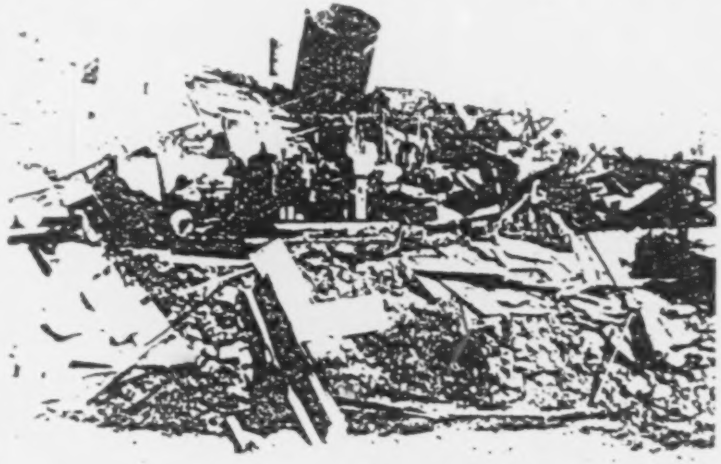
Later, the Air Force admitted the acquisition was illegal, withdrawn from public use without approval from Congress as required by law. But the guards and roadblock remained. The Sheahans backed the Air Force down and they can now get to the property, but they can't work it. They can't hire miners, truck drivers or millworkers because only they are allowed in. This also means it has no sale value.

This was the last straw for the Sheahans. They decided to let the public know the shameful shocking treatment the family had suffered from their government.

This was the story their father and mother, Dan and Martha told me years ago and asked me not to write it. They were still trying to get along with the Air Force as good neighbors, although they had been attacked as though they were enemies.

Dan inherited the Groom mine from his father who took it over in the 1890s. Over the years it produced many hundreds of thousand dollars — silver and lead. It was a profitable mine until the 1950s. Then began a series of outrageous events that bogger belief.

The Atomic Energy Commission began testing above-ground nuclear weapons at the Nevada Test Site. The Sheahans were told to abandon the mine, clear out and forget it. No compensation was offered. Dan had recently built an up-to-date concentration mill — at a cost of $100,000.



TOTALLY DESTROYED — A closeup view of the damage which was total. Dan and Martha Sheahen left the mill to get lunch only 30 minutes before it was bombed.

He and his wife chose to stay, but they were never warned of the dangers of radioactive fallout. Neither they nor the property was monitored for dosage levels. They knew only that strange things were happening— patches of hair turned white, sores appeared and the eyeballs of horses on the mesa were burned out; no eyes left. One nuke test on a steel tower took place only 13 miles to the west.

Dan and Martha persisted in the family enterprise. Then the Air Force began what amounted to open warfare against the Sheahans. The property was strafed even when family members were present, including children.

In the summer of 1953, the unbelievable happened. They had worked the mill all morning. They shut it down for lunch at their house a short distance away. Thirty minutes later a rocket or bomb tore into the mill, exploded—blew off the corrugated sides and roof and set fire to the splintered timbers and planking.

In a literal sense the Department of Defense and the Air Force destroyed Dan and Martha Sheahan. Their confidence in their government was shattered, their spirits broken and they died of cancer.

Ultimatum issued
o SNMH execs/1B

Teacher pay hikes
uble/5B

AF admits to illegality of NTS land grab

8/7/84

By CHRIS CHRYSTAL

WASHINGTON (UPI) — A U.S. Air Force official admitted to a congressional panel Monday that orders to close public access to Groom Mountains in Nevada, overlooking a top secret military testing area, were illegal.

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(See FIREBOMBING, Page 2A)

Rep. Harry Reid, D-Nev., right, whispers to N

IRS official see from fed perse

By GARY THOMPSON
And JEFFREY M. GERMAN
SUN Staff Writers
(C) 1984 Las Vegas SUN

RENO — Former Nevada IRS Director Gerald Swanson charged Monday that the Justice Department and the presiding judge in the retrial of U.S. District Judge Harry E. Claiborne are on a "tag team effort" to ruin his career.

Swanson, a subpoenaed defense witness, asked a federal appeals judge to order U.S. District Judge Walter E. Hoffman of Virginia to stop the Claiborne prosecution team from "harassing" him before he gets on the witness stand.

EXCERPTS FROM THE DEIS
(Comments) and emphases added

Long-term public health data could be collected to test for possible health-related associations. Data on the number of accidents reported; the number and type of complaints; and the incidence, if any, of hypertension, hearing problems, and other physiological problems could be useful in providing a sound basis for future planning...(S-17,18)

Domestic animals and wildlife could experience startle reactions to sonic booms. This response could include momentary cessation of activity, muscular tremors, running, or other movements...Previous research indicates that these animals appear to adapt...and that reproductive success would not likely be impaired...(S-14)

("The effects of...sonic boom...on man-made or natural structures are reasonably well understood. It is possible to conduct well controlled and verifiable damage studies on inanimate material...For ethical and other reasons, it is impossible to conduct such studies on people and animals.") (EPA, Von Gierke, 1973)

...there are a number of factors which make it difficult to quantify, or estimate with a high degree of certainty, the potential public health effects...(5-52)

The Navy could establish community outreach programs to provide general notification to the exposed population of the schedule of future supersonic activity, and or identify high risk individuals, such as children, pregnant women, the aged, the mentally ill, and notify these individuals regarding the scheduling of future supersonic activity. (S-17)

(This "mitigating" measure was probably included for comic relief.)

Sonic booms could have adverse impacts on the autonomic nervous system, including short- and long-term changes in the vascular, respiratory, endocrine, and or gastro-intestinal systems. (5-54)

It could also result in eventual abandonment of some residential areas within or near the SOA, if current residents moved out and new residents were discouraged from settling...(5-36)

...the potential enjoyment of recreational opportunities could be reduced...(and) would increase the risk of accidents and personal injury because of startle effect. Tourism in specific areas underlying the ...SOA could be reduced. (F-44)

The quality of life...underlying the SOA could decline. Property values could decline...(S-14)

...Some property damage is likely to occur. ...impacts are likely to be predominately confined to glass breakage and are not likely to involve structural damage. (S-13)

The Proposed SOA action would, however, possibly involve tradeoffs between the long-term well-being of certain individuals and the maintenance of a high degree of Navy combat readiness. (5-66)

As a result of a perception that the SOA...is less safe...civilian pilots may tend to avoid the airspace...which could reduce the perceived accessibility of this airspace...(S-13)

(In short---a "Supersonic Operations Area" is a de facto restricted area.)

...annoyance with booms varied with over pressures as follows: (5-69)

Median Overpressure Level (psf)	Percent Reporting Serious Annoyance
1.13	37%
1.23	44%
1.60	56%

(The "typical" carpet boom overpressures predicted for the Fallon SOA are 3.9 psf with "focus" booms exceeding 20 psf.)

("...it seems both reasonable and necessary that the Department of Defense work in cooperation with the State of Nevada in preparing a long-term, comprehensive airspace and land utilization plan encompassing the entire State of Nevada. Such a plan, in our view, must include a sound analysis of current and proposed military uses of all the state's special use airspace and land-based resources. This analysis, moreover, should be conducted in the context of a thorough review of all current, proposed, or potential military SOA's **in all western states** to insure a rational selection of sites which have minimum impact on civilian populations. Until such a comprehensive plan for air and land utilization is developed, we oppose any action relative to the proposed SOA in Northern Central Nevada. (and) Nowhere is this shortcoming of the DEIS more evident than in its analysis of the paramount issue of the project's impact on the health and safety of human beings exposed to long-term sonic boom overpressure." Governor Bryan's EIS comment.)

For a copy of the draft and final EIS contact:

U.S. Department of the Navy
Western Division
Naval Facilities Engineering Command
Box 727
San Bruno, California 94066
(415)877-7573

Senator **Hecht**. Your entire statement, which I have, will be a part of the record. Thank you very much.

Mr. Eric Smith.

STATEMENT OF ERIC SMITH, EXECUTIVE DIRECTOR, TRUSTEES FOR ALASKA

Mr. **Smith**. Thank you, Mr. Chairman. My name is Eric Smith, and I am the Executive Director of Trustees for Alaska. We are located in Anchorage, AK. I am very glad to have this opportunity to testify. I have submitted a written statement which I would like to be made a part of the record.

What I would like to do, I guess, is emphasize three points. The first is that Alaska is a long way from here, and there has been almost no publicity or public information provided about these withdrawals whatsoever in Alaska. There have been no hearings; there have been no notifications. I was not even aware there was an environmental impact statement. I am still not sure, until I heard the testimony of the military today.

It is very difficult for people in Alaska, especially rural Alaska, to understand what is about to happen to them, unless information is provided to them directly and they have an opportunity to understand it. For this reason, I would like to urge that the Alaska portion be separated and made its own bill and that there be hearings held in Alaska so the people know what is going on.

The second point is that I think the approach that is being taken by the House in the Nevada bill that, I gather, came out of the committees yesterday, is a very appropriate one for all of the States. It allows a focus on individual problems in each of the States.

In our State, for example, we, too, have had a problem with military overflights. Just a couple of months ago, the Air Force decided to hold a military exercise at the most stressful time of the year for all the wildlife in the vicinity of Fort Greely. They could not have picked a worse 4 days to hold their exercise.

After considerable lobbying of the Air Force by everybody in the State, including the Governor, the Air Force agreed to abandon its low-level plans and fly at 10,000 feet. This is near, as I can tell, turned the air exercise into a bit of a travesty because they were going to practice low-level maneuvering, and all of a sudden they're flying at 10,000 feet.

So we think that the Nevada approach of comprehensive environmental statements to understand just what all of this activity means for the people of the State is very important.

Finally, my reading of this bill is that the military and the Department of Interior provided absolutely no incentive to clean up the land. It seems like it is in everybody's interest—at least their interest—to make a finding that the cleanup is too expensive and not practical because in that case, the BLM does not get stuck with it and it stays contaminated, and the military gets to keep this land indefinitely.

So we would urge that the time period be shortened. And we would specifically urge that the military and the BLM and whoever else be required to clean up this land as they use it so that the people whose rights of access would be guaranteed by Senator Murkowski's amendment and can actually get on there without getting their feet blown off.

So we do not support the bill as it currently stands and we really urge the committee to get up to Alaska and take a look around and talk to the people up there so that more than me and the other person from Alaska can testify about this and really alert you to what could be the problems up there.

Thank you very much.

[The prepared statement of Mr. Smith follows:]

Statement of Eric Smith
Representing Trustees for Alaska
Before the Subcommittee on Public Lands, Reserved Waters,
and Resource Conservation of the Committee on
Energy and Natural Resources
Concerning S.2412
7/17/84

Mr. Chairman and members of the Committee: I am Eric Smith, Executive Director of Trustees for Alaska, a non-profit public interest law firm located in Anchorage, Alaska. TfA works solely on natural resource issues affecting Alaska, such as implementation of the Alaska National Interest Lands Conservation Act (ANILCA), preservation of water quality, and protection of habitat for wildlife and for subsistence users; we represent environmental groups, fishermen, Natives, and other affected individuals. In addition, TfA has a membership of approximately 1,000 people, many of whom live in Alaska and all of whom have strong interest in the manner in which Alaska's public lands are used.

I am testifying today because of our substantial experience with, and concern about, utilization of lands by the military in Alaska. In the past two years, we have represented concerned individuals living in the vicinity of Fort Greely with regard to military overflights in the Nelchina Basin. I am sorry to say that the military has shown little or no willingness either to consider fully the environmental ramifications of its activities or to involve the public in its decision-making.

A recent military exercise demonstrates this point vividly. The beginning of June is the time when the Nelchina caribou herd -- a major source of food for local residents and a popular one for sport hunting -- bears its calves. In addition, at that same time, Dall sheep have their lambs, moose their calves, and trumpeter swans nest. All of these species are at their most vulnerable stage at this time, particularly to noise disturbance. Yet this was the precise time that the Air Force choose to conduct a low altitude military exercise directly above much of the critical use area.

We -- and almost everyone else -- found out about the exercise almost by accident. An air taxi operator near Glenallen received a letter from the Federal Aviation Administration, asking if he had any safety concerns about the proposed exercise. At his request, we began to investigate.

The Air Force's plan, when it was finally revealed, sparked a huge outcry. The Governor, several state senators and legislators, and private citizens of all political persuasions vigorously protested the plan and asked that it be postponed until after the caribou were no longer at risk. The Air Force refused: even though for its own reasons it had twice postponed the exercise (well before anyone else even knew about it), it stated that the dates were immutable. A lawsuit was avoided only because the Air

Force agreed to conduct its flights above 10,000 feet, well above the level of disturbance to wildlife. This, by the way, seems to have eviscerated the stated purpose of the exercise, which was to provide training for pilots in low level maneuvering and avoidance of enemy aircraft.

I have gone into this event in some detail because it pre-sages what I fear is a prevailing attitude in the military in Alaska regarding the lands and airspace it uses. Environmental analysis was used solely to justify the decision that was made, not to analyze the impacts of and alternatives to a proposed action. Public involvement was minimal at best, and was really facilitated only to avoid controversy.

If this approach spills over to the lands being considered for withdrawl in the bill now before you, it could prove very unfortunate for the citizens of Alaska. These lands are meant to continue to be used for hunting and trapping, and perhaps even some recreation, yet absent clean-up of toxic materials and unexploded ordinance, they could be rendered wholly unuseable for anything. Low-level flights, if made at the wrong time or in the wrong place, could have severe and long-term implications for wildlife, and hence for subsistence and sport use of that wildlife.

We are not interested in precluding the military from assuring efficiency and preparedness in our national defense. But we believe that the military must undertake this work in an environmentally conscious manner, with due regard for the wishes of Alaskans.

In this spirit, I would like to offer four suggestions for improvement of this bill. First, I urge the committee to adopt the approach of an amendment offered to HR 4351. That bill mandates preparation of detailed environmental analyses concerning the proposed withdrawls in Nevada, which should provide additional protections and avoid military exercises at environmentally sensitive times. For Alaskan areas, such statements should further conform not only to the National Environmental Policy Act, but also to subsections (1)-(3) of Section 810 of ANILCA. I believe that had the Air Force had such a study available this spring, it would never have scheduled its exercise at the time of caribou calving.

Second, I recommend that the bill provide further detail as to the contents of the management plans to be prepared for each withdrawl. This would include such matters as the activities that are planned, the areas of key environmental sensitivity, an identification of crucial species and subsistence uses, an evaluation of mitigating measures, and perhaps some closures to protect important environmental or cultural resources.

Third, while we welcome the fact that the State of Alaska will be consulted regarding the management plan, we urge the committee to require an opportunity for input from the general public. This will assure full public participation, provide a forum for the expression of public concerns, and result in a more informed and comprehensive plan. For example, these withdrawls have been and can be in areas in which subsistence and sport hunting have taken place; these users should have a chance to ventilate their concerns.

Finally, we are very concerned about the proposed procedures concerning contaminated lands. As presently structured, the bill allows the Secretary of the Interior to refuse to receive lands if he and the Pentagon find that the lands are too contaminated to be cleaned up. We believe that this provides an incentive for a determination that clean-up is impractical or too expensive: the lands will have been used for military purposes, and there will be an expectation of continuing this use. We suggest that the military be ordered to clean up as much as it can as it uses the land, to preserve opportunities for multiple use. After all, right now, much of the Fort Greely land already is unusable, due to unexploded ordinance. Even if full clean-up is too expensive, partial clean-up should be mandatory.

Thank you for your consideration of these comments.

Senator HECHT. Thank you very much. Your entire written statement will be in the record.

Mr. Dick Holmes.

STATEMENT OF DICK HOLMES, FALLON, NV

Mr. HOLMES. I am Dick Holmes from Fallon, NV, chairman of a citizens group of concerned rural Nevadans in Fallon, NV—headquartered in Fallon, NV—and I do have a written statement for the record and I will be submitting testimony later.

I will restrict my remarks to Bravo 20. I would like to point out that the Navy has consistently said that the unique value which they attribute to Bravo 20 consists in their capability of exploiting heavy ordinance there.

I want to point out that this value no longer exists and, in fact, has never existed except in their minds and to the detriment of their rural neighbors in the still water, Indian lakes and even in the Dixie Valley area who are suffering damage from their activities out there.

My opinion is that if this bill precipitantly withdraws that land, that the Congress of the United States will have participated in an injustice here because there are many, many environmental concerns that will not be addressed and have not been addressed in the environmental assessment that was made 6 years ago, in which the Navy hopes to use, as a document, to support their withdrawal.

Furthermore, the damage has never been assessed on this range, let alone studied. And in a letter to the Federal Aviation Agency, the Navy says that they expect their activity on this range to dramatically increase. Our contingent is that they have not assessed the current damage, let alone any dramatically increased damage.

I want to point out to the Members of the Congress that in September there will be a trial in the district court about the environmental assessment of Bravo 20. The Federal magistrate has determined that there is some question about the propriety of using a 6-year-old environmental assessment to support this. And Judge Reed will give it his scrutiny.

My personal opinion is that this document will not tolerate a scrutiny, and that it will blanch and crawl back into the hole from which it emerged in the first place.

The House bill 4351 simply will cause a situation where people will not have to rely on the judicial system to force compliance with NEPA. The House bill 4351, which I highly recommend that this committee examine for its contents, which can be briefly summarized by saying this:

There are three points that I could summarize. The House has said basically that we have reviewed your application and we agree that you have a need for this land.

Second, they say we wish you to know what the environmental consequences of your total activity are.

And third, we say we wish you to be accountable to the State of Nevada so the citizens of that State can intelligently plan their future affairs.

Claire Engel said years ago—we were talking about acres of land that became square miles of land. Now its cubic miles of land that the military wants in Nevada. I suggest that the people of Nevada are the most patriotic people in the country, and they have no wish to impede the national defense. But they will not submit to this arrogant intrusion into their enviroment.

Thank you very much for listening to us.

[The prepared statement of Mr. Holmes follows:]

STATEMENT OF

DICK HOLMES

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS

U.S. SENATE

TESTIMONY RELATING TO S. 2412

July 17, 1986

The Navy's separate requests for airspace and land, when combined, constitute their "Integrated Air Warfare Training Complex" (IAWTC), which plan was alluded to in 1979 and probably existed earlier; and, despite the Navy's long, unauthorized use of the Long Rock public domain lands, and their present effort to rectify the irregularity, the "Bravo 20 range" is simply one element in this major "Complex". The environmental damage, which is a certain consequence of this combined acitivity, has not been comprehensively quantified or assessed; instead, a major program has been segmented into less significant units that are addressed with site-specific studies and frequently dismissed with Findings of No Significant Impact. (Austin MOA and Bravo 20 EA's). In addition, a study of the 1974 DEIS, which accompanied the proposal for a "Continental Operating Range" in Nevada and Utah, reveals that the IAWTC, itself, is only one element in this much larger concept. The Navy has consistently denied this allegation despite the evidence.

The Federal Aviation Administration, the Department of Interior and the Congress of the United States are constantly importuned by the Department of Defense, who present their requests for even more land airspace. These agencies have been generous in their response, expecting that the National Environmental Policy Act will provide the protections it was intended to give. But, regardless of these intentions, the Navy and Air Force maintain that they are justified, in exposing large rural areas of our country to damaging environmental intrusions, with little regard for the inhabitants, because (they say) there is no realistic alternative that will enable them to prepare a national defense. The peoples' representatives must engage in serious debate to discover whether this opinion has a foundation in truth. If it is indeed true, we must conclude that we are forced to choose between national security _or_ political rights -- not an easy choice for a people who are accustomed to _both_.

The time is long overdue for the DoD to spend some of their billions for the advancement of the technology that will permit their environmentally destructive training to be done by _simulation_. This especially includes supersonic air-combat training and low-level overflights, which they now insist can only be done to the detriment of rural people. The evidence is overwhelming that effective military training can be _economically_ attained by this method -- with no risk to the trainee, no costly accidents and no damage to the environment. The Congress should insist on the furtherance of this technology and its immediate application.

The alternative is to lock up tremendous "cubic areas" of our resources for a single purpose, and to damage rural people, who also make substantial contributions to our national strength and character. The Navy's argument is un-American that "the long-term well-being of certain individuals" might be involuntarily sacrificed for "a high degree of Navy combat readiness" -- particularly when those most at risk are "children, pregnant women, the aged, (and) the mentally ill". (Pages 26-6,7 of the SOA DEIS).

All of the military's individual proposals are accompanied with the assurance, that, if the proposal is frustrated, the national security will be compromised; and, included, is the extortionary suggestion that those who rely on military activities, for their livelihoods or economic advantage, will be jeopardized. These are effective caveats for engendering popular support for their programs, and it is difficult to ascertain which inspires more dread; but neither is a sufficient excuse to disinherit rural people of their constitutional guarantees.

In the final analysis, if it is discovered that there is no alternative to destroying our habitat, in order to prepare a common defense, then, the least expectation that common citizens have is that a **COMPREHENSIVE** study be accomplished, that realistically assesses the consequential damage and provides for their security -- without reliance on the judicial system, from which the military enjoys immunity. Site-specific studies, regardless of their quality in local applications, are too limited for this purpose.

The withdrawal of the Lone Rock public domain lands, for military use, has focused attention on a major societal problem -- how to accomplish needed military training without inflicting injury on our own loyal citizens. The State of Nevada is the prime candidate to host the public hearings that will lead to the solution of this problem. I respectfully request this action.

Dick Holmes
Box 629
Fallon, Nevada 89406

ADDENDUM

TO THE TESTIMONY OF

DICK HOLMES

FOR S. 2412

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

U.S. SENATE

JULY 17, 1986

SECTION 1

This section consists of excerpts from the:

Draft (and) Final
Comprehensive
Environmental Impact Statement(s)
For The
Proposed Supersonic Operations Area
And Other Proposed Actions
At Naval Air Station, Fallon, Nevada.

The above noted document was not designed to address the environmental problems associated with the Bravo-20 land withdrawal (the Navy's limited reference to this range appears on pages 3-49 and 50); nonetheless, several individuals, a Nevada State Assemblyman, AND the Department of Interior submitted comments on Bravo-20---because they believe that Bravo-20 is integrally related with NAS, Fallon's other activities---and that their special concerns have been overlooked or ignored (in either case they are unaddressed).

[Range B-20 Improvements.] A variety of range improvement projects are proposed for Range B-20. The projects will provide the facilities and utilities required to convert Range B-20 from an unmanned, unscored target to an electronically scored, multitarget complex. The improvements include an all-weather road system, electric power lines, two control towers, two "acoustiscore" strafing targets, two 300-foot-diameter conventional bullseyes, one 300-foot-diameter "laser" bullseye, five "simulated ship" targets, six 12,000-foot run-in lines, a helicopter landing platform, a maintenance storage building, target illumination facilities, security alarm and surveillance systems, and approximately 36 miles of fencing. The location and layout of the Range B-20 improvements are shown on Figure 3.5-10.

Approximately 13 miles of new roads will be built, elevated on several feet of compacted soil and gravel fill, to make them suitable for two-wheel-drive vehicular use on a year-round basis. (Portions of this old lake bed area become soft during wet weather.) The roads will be 18 to 20 feet wide, zigzagged every 1000 feet to make them easy for pilots to distinguish from run-in lines, and will extend from the nearest existing road to the target area.

The power lines will run approximately 30 miles aboveground from the nearest existing substation (Sierra Pacific Power Company's substation at Rochester) to the site via a booster substation at the site boundary, then approximately 5 miles underground to the range improvements.

The two control towers will be three stories high and will support the target scoring personnel and electronics systems. The "acoustiscore" targets will be elevated strafing banners, marked by a bullseye and hung between two poles. The conventional and laser bullseyes will be constructed of concentric rings of tires elevated above ground approximately 4 to 5 feet, with timber retaining walls to support and contain earth berms.

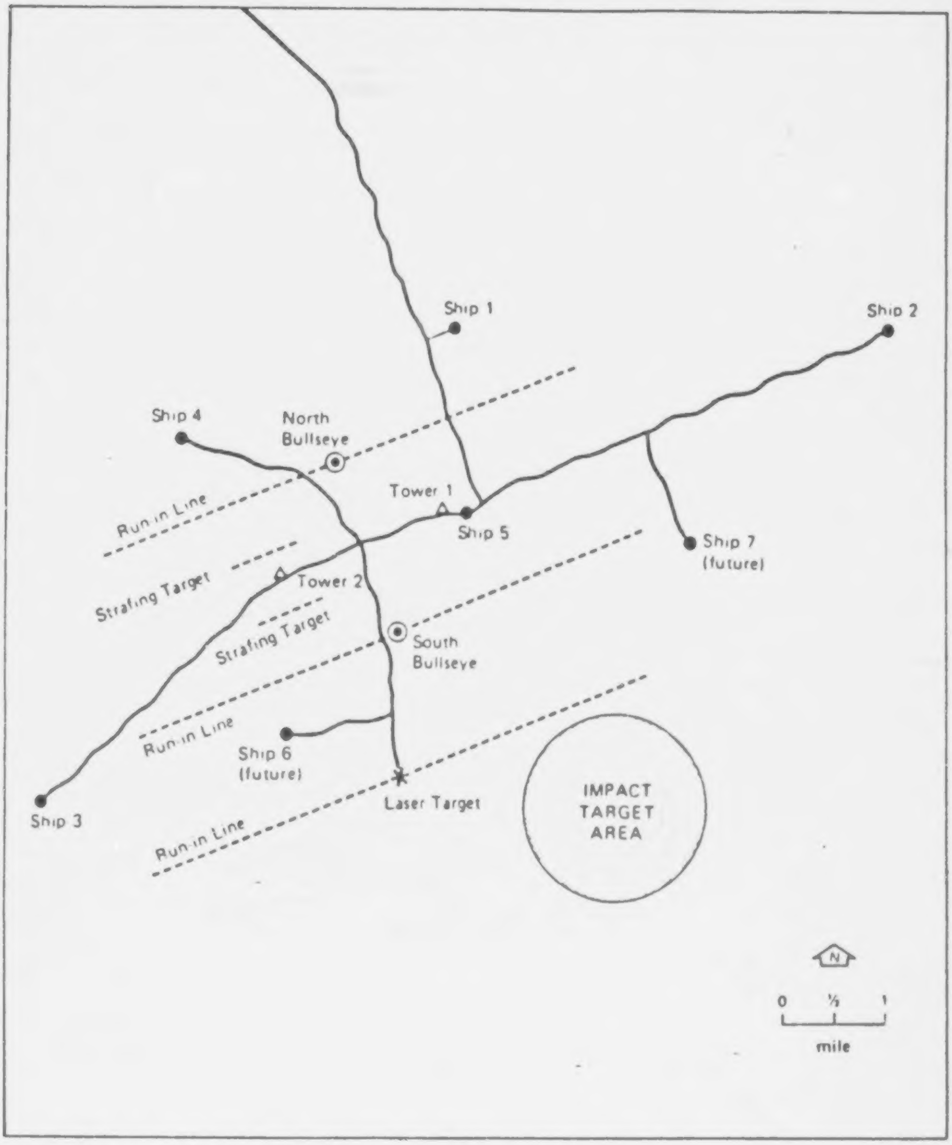
Ship 1
Ship 2
Ship 4
North Bullseye
Run-in Line
Tower 1
Ship 5
Ship 7 (future)
Strafing Target
Tower 2
Strafing Target
South Bullseye
Run-in Line
Ship 6 (future)
Ship 3
Laser Target
Run-in Line
IMPACT TARGET AREA
N
0
½
1
mile

Figure 3.5-10. PROPOSED IMPROVEMENTS TO RANGE B-20

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
PACIFIC SOUTHWEST REGION
BOX 36098 • 450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102
(415) 556-8200

AFTER ROUTING	☐ FILE ☐ DESTROY
CODE	INITIAL & DATE
20	
201	3/20
2013	3/21
2012.5	FILES

20 MAR 1985

March 18, 1985

Department of the Navy
Western Division
Naval Facilities Engineering Command
Code 2013, 900 Commodore Drive
P.O. Box 727
San Bruno, CA 94066-0720

Dear Sir:

We have reviewed the Draft Enviromental Impact Statement (DEIS) on the proposed Supersonic Operations Area (SOA) in Central Nevada. Consolidated comments in specific categories have been provided by the U.S. Fish and Wildlife Service and the Bureau of Land Management.

Civilian Flights

Page 5-43, Paragraph 3. The Bureau of Land Management's frequent need for administrative flights should be specifically recognized in the EIS. The Bureau depends heavily upon the use of several types of aircraft for emergency wildfire suppression, for patrolling wilderness study areas regularly, for census of wildlife, wild horses, and livestock, for herding wild horses, for spraying vegetation with chemical treatments, construction of resource improvements, and occasionally other purposes. Past experience has shown that individual Navy pilots may often fly well below the 5,000 foot above ground level (AGL) floor of the SOA. The EIS should state how the BLM's use of aircraft would be affected.

There is a possibility that the proposed SOA could pose a problem with the proposed Nevada Industry and Trade District (NITD) project. This is a project to withdraw approximately 579,010 acres of public domain land and several hundred thousand acres of private land immediately west and north of the proposed SOA for a prototype Industry and Trade District. Facilities to be developed within the district would be a Regional Cargo Transportation Facilitation Center. It would employ a significant number of large cargo type aircraft for the purpose of receiving and distributing cargo worldwide. Since NITD is in its early planning stages, it may be difficult to identify what impact if any would result between the proposed SOA and proposed NITD, but the Navy should investigate and address it in the EIS.

The point made on Page S-13 and Page 5-46, about unnecessary civilian avoidance of airspace beneath the SOA lower boundary, should be extended to the effects this would have on aerial geophysical surveys for mineral and energy exploration. A more definite economic impact would be the actual restriction of high altitude flights for such purposes above the 5,000 foot level.

202-209
at 60%.

Realty, Rights-of-Way

The map on Page 3-41 shows two Tracking Instrumentation Subsystem (TIS) sites and 20 Tactical Aircrew Combat Training System (TACTS) sites. The text on Page 3-40 indicates that there are 21 TACTS sites. Where on the map are remote TACTS units 1 and 6? Is TACTS Site 22 in a wilderness study area? The map in Figure 3.5-6 is too poor to read, let alone use for assessing impacts. 2

Page 3-46, Paragraph 1, states that electronic warfare (EW) sites will be in Edwards Creek Valley, but the map in Figure 3.5-9 does not show any there.

The DEIS does not address either the site-specific or the cumulative impacts of the site-specific actions of the EW sites, B-20 and TACTS sites, and associated powerlines and access road. Individual clearances, support documents, and reservations would have to be issued for each site, powerline, and access road if they are not relatively short leads to each site. Will the Navy use the tiering method of environmental assessment and conduct site-specific assessments later, or should the EIS accomplish that at this point? 3

What is the relationship between the master land withdrawal (N-37171) and the rights-of-way for the EW and TACTS sites? Are the communication sites and associated developments required independently of the withdrawal, or are they being used to support or justify the later withdrawal?

Why did the Navy choose not to address in this DEIS the impacts of the 181,000-acre federal land withdrawal for which the Navy has applied to BLM? These proposals are integrally linked, and their environmental impacts should be addressed together. The rationale presented for not including the withdrawal issue in the DEIS is "because there has been much confusion and public controversy over the scope and relationship among some of the Navy's major proposals for NAS Fallon." Omitting it may, in fact, heighten that confusion and controversy. To separately address these major proposals as independent actions appears to be a deceptive attempt to dilute the full magnitude of impacts, when in fact the SOA and the land withdrawal are closely related proposals.

Page 5-62, Paragraph 2, states that all the B-20 improvements are to be within the existing withdrawal area. BLM employees involved to date have been under the impression that access roads and powerlines were to be placed ouside the B-20 withdrawal area on public lands. Is the DEIS correct here? 4

The DEIS states that the roadbed is to be raised to eliminate soft conditions encountered during winter months. Where would the aggregate and fill material come from for the access roads? 5

The DEIS does not mention the existing 230 KV Sierra Pacific powerline or the right-of-way corridor system proposed in BLM's Lahontan Resource Management Plan. Is that an oversight, or are there in fact no potential conflicts with the Navy's proposals? 6

On Pages 5-36 and F-36, the DEIS indicates no significant adverse impacts to geothermal operations. Would that also be true for the powerlines necessary to market the power?

Sonic Booms

The DEIS mentions on Page 5-11, Paragraph 2, that horses can react severely to sonic booms. Yet, there is no discussion of subsequent impacts upon the use of horses for both ranching and recreational purposes. 7

Page F-35, Paragraph 2, Page 5-10. Conclusive research data and available literature appear to be lacking on the effects of sonic booms on the health and productivity of livestock, wild horses, and several species of wildlife in the area. CEQ regulations 43 CFR 1502.22(b) require a worst-case analysis when information is lacking. The conclusion of no significant impact to big game species on P. 5-11 is not well-founded. 7

The studies cited on reindeer, chickens, and songbirds may have little relevance to the species present in the Proposed SOA. References to "available published literature" raise more questions than they answer. More applicable information may be available from Robert McQuivey of Nevada Department of Wildlife, who has worked with bighorn sheep in military areas. 8

On Pages 5-12, 5-13 and 5-76, the text is written with a tone that plays down the possible impacts of booms. This document should be written to objectively spell out such impacts. 7

The discussion of predicted noise levels starting on Page 5-22 and continuing through 5-28 should come to the point in laymen's terms. It is hard to digest, and the upshot or ramifications are lost. The map on Page 5-26 is not useful without the ellipse superimposed onto the map. Likewise, Figures D-1 through D-4 might illustrate something if placed over an intelligible map. 2 2

To summarize BLM's comments on sonic boom impacts, the Navy should present a worst-case analysis in the EIS and undertake a program of specific monitoring and mitigation for all species concerned. 6 9

Wilderness, Recreation

Table 3.6-1 on Pages 3-54, 55 should include the category recreation/wilderness.

Portions of the Stillwater Range (Job Peak and Stillwater Range), Clan Alpine Mountains, Desatoya Mountains, Augusta Mountains, and Simpson Park are wilderness study areas (WSAs). Portions of the Clan Alpine and Desatoya WSAs have been recommended for designation as wilderness areas. These are socioeconomic considerations that should be added to Page 4-21, Paragraph 1. 10

The six WSAs named above are shown on the Figure 4.6-2 map, although the text on Page 4-25 refers to only three.

Descriptions of these areas, as part of the affected environment, are lacking. That may be because the Navy's estimation of environmental impacts to wilderness recreation and wilderness study areas is inadequate. The mention of such impacts at the top of Page 5-37 barely scratches the surface. More concern is shown regarding the impacts of wilderness designation on TACTS sites than of the Navy's proposals on the wilderness resource. The DEIS should here address in more depth the startle effect of sonic booms on recreationists and the horses they may be riding. Recreational accidents, particularly associated with the use of horses, should be identified as startle-related accidents on Page 5-54. 11

The six wilderness study areas have been identified because of the outstanding opportunities for solitude and/or primitive recreation they provide. What would be the impacts of sonic booms and increasing flights on someone's solitude and recreational enjoyment? 7

Is it not possible that in the future the Secretary of the Interior, the President, and federal legislators would not be inclined to designate a WSA a wilderness area in light of an existing SOA and its associated impacts? In addition, would the Navy in any way oppose wilderness designation of WSAs beneath the SOA, or can it be stated that the SOA and wilderness are compatible?

The DEIS should be more specific on Page 5-37 about "possible relocating affected sites." Impacts to solitude and the use of aircraft inside a potential wilderness are significant issues and should be addressed. Such impacts, or lack thereof, would figure prominently in determining whether or not a given TACTS site would need to be removed in order for an area to be properly managed as wilderness. 12

The statement on Page F-44, that recreational resources would not be directly affected, should be reversed. The quality of recreational resources, including WSAs, might be directly affected because of the reduced opportunities for solitude and enjoyable recreational experiences as a result of increased flights and sonic booms. Still, no mention is made that the SOA and related activity could result in federal decisions not to designate an area as wilderness. The treatment of this subject on Page F-44 should be expanded and used in Chapter Five as well.

Economics

Page 5-36, Paragraph 2. The proposed SOA could result in major adverse impacts to both public land ranching and recreation related economic activity. For many ranchers, the ability to obtain loans is a critical factor in maintaining the viability of their operations. The proposed SOA would reduce the real estate value of their property, which is used as collateral for loans. Since the SOA would reduce public land recreational values - the economic benefits to local communities from public land recreation would decline. 13

Page 5-36, Paragraph 3. The EIS should contain an analysis of the negative impacts of the SOA on county budgets. The projected reduction in property values will eventually lead to a reduction in local government tax revenues. 14

Page 5-62, Paragraph 1. The statement that ranchers could earn a higher return in other activities is not relevant to the discussion of SOA impacts. Therefore, it is in conflict with Council of Environmental Quality regulations 43 CFR 1502.2. Furthermore, the BLM document referenced applies only to the Sonoma-Gerlach Resource Area which contains less than ten percent of the proposed SOA and is not within the socioeconomic study area as defined in Appendix F. 13

Page F-4, Paragraph 1. The classifications of public land under the Classification and Multiple Use Act of 1964 were revoked in 1982 and 1983. Public land in the study area will be managed as specified in the appropriate Resource Management Plans. 15

Page F-9, Paragraph 3, Table F-4. Licensed use and active preference are not the same thing. Licensed use refers to the number of AUMs authorized for actual use during a year, while active preference refers to the number of AUMs available for licensing.

Page F-34, Paragraph 2. The DEIS incorrectly states that the ownership and use of public lands will not be affected by the SOA. Land ownership would be affected by SOA's companion withdrawal proposal. The use of public land will 3

be affected - recreation and wilderness values will decline and ranching
operations will be affected - sonic booms have a negative impact on horseback 12
operations. There is a major contradiction in the analysis presented here.
While the DEIS recognizes that the value, use and enjoyment of private lands
under SOA will be impacted, the fact that the value, use and enjoyment of
public lands under the SOA will also be impacted is ignored. 16

Page F-35, Paragraph 2. The fact that there is no conclusive evidence about
the effect of sonic booms on livestock productivity means that the EIS should 7
contain a worst case analysis. Also, the EIS needs to analyze how the live-
stock industry would be affected by the negative impact of SOA use on domestic 8
horses. Furthermore, the discussion of claim settlements is irrelevant without
an estimate of the number of additional claims and a projection of the amount
of unclaimed damages that would occur. In addition, the use of 1967 and 1968 17
figures is inappropriate without adjusting for inflation.

Page F-36. The EIS should contain an analysis of the negative impacts of the 18
SOA in the region's recreation-related industry.

Page F-36, Paragraph 3. This statement is inconsistent with the analysis in 1
Page F-35, which states that there will be a loss of agricultural lands
adjacent to the city.

Page F-43, Paragraph 1. The EIS should analyze the impact that the SOA would
have on military-related wildfires on public lands. In the past, the Navy has
refused to compensate BLM for the cost of fighting Navy-caused fires on public 20
land.

Wildlife

The proposed action will have some negative impacts on wildlife and particularly the Stillwater National Wildlife Refuge and Wildlife Management Area (SWMA).

As acknowledged in this draft document, there is a lack of information on pos-
sible adverse impacts upon bighorn sheep, mule deer, and migratory birds from
high levels of noise, including supersonic booms. It is recommended that the
Department of the Navy initiate studies to identify and quantify impacts to 7
wildlife. It is further recommended that sufficient flexibility be included
in the final EIS and subsequent planning to make any necessary adjustments to
mitigate wildlife impacts identified through the studies.

We are concerned that the draft fails to take into account or adequately dis-
cuss SWMA (Eagle use on the Management Area is mentioned). These important
wetlands lie close to the B-20 Range and the proposed SOA area. Little 21
consideration is given to the impacts on waterfowl and other wildlife in the
Fallon area. The Lahontan Valley contains the most valuable and extensive
wetlands in Nevada, and these areas receive considerable public use.

Specific comments are as follows by Section:

S-1. The DEIS cannot be adequately evaluated or commented on because other
proposed USN action, public land withdrawals, etc., are only briefly mentioned.
This SOA DEIS does discuss improvements to the Bravo 20 and Bravo 16 areas 3
which are to be withdrawn. Both major proposals (withdrawals and airspace
designations) need to be evaluated together.

S-2. Wetland/wildlife values will be impacted by the proposals, but we are also concerned about additional future impacts as the Navy continues to try to keep pace with changing technology. Because these effects cannot be foreseen, we suggest that currently planned expansion of military activities be kept as far away from the SWMA and other wetlands as possible. Due to our proximity to military operations, we have had problems with military aircraft. Because of lack of control over individual pilots, the Refuge's airspace has been violated and the Management Area has been bombed. 23

Many pelicans, swans, and geese are present in the SWMA and occasionally in portions of the adjacent Carson Sink. These large birds are a hazard to jet aircraft. 22

S-5 & 3-24. If aircraft access from the Fallon Naval Air Station (FNAS) to the SOA is due east and then north-east as proposed, noise impacts to the SWMA will be less severe.

S-6 & 3-24 & S-9. We are concerned about current and proposed increases in aircraft traffic between the SOA and target ranges. The current level of aircraft noise is disturbing. This noise includes use of helicopters over the SWMA (and occasional landings) in support of Bravo 20 operations, jet traffic between the base and the B-20 range, bomb noise on B-20, the orbiting large transport planes over the SWMA, and sonic booms. 23

S-8 & S-9. Increases in the numbers of permanent and temporary military personnel and projected increase in the County population of 10% will affect management and public-use programs on the SWMA.

S-12 & 5-12. The SWMA is only 7 to 10 miles from the proposed SOA. Environmental impacts will occur in the marsh as sonic booms will be heard there. The DEIS seems to concentrate on noise levels of sonic booms. We are just as concerned about high levels of noise from aircraft engines for extended periods. 21

3-13. An SOA airspace designation using Configuration I would be unacceptable. Configurations 2, 3, and 4, would have less impact on wildlife and public use on the SWMA. An airspace designation not shown is FAA's standard Refuge restriction for aircraft below 2,000 feet over SWMA. The Finding of No Signification Impact (FNSI) developed several years ago for the B-20 range is incorrect. Exploding of bombs can be distinctly heard on the SWMA. 22 5+21

3-33 & 4-6. We are concerned that waste waters from the base, that enter drains flowing into the SWMA, will contain PCB's and other contaminants. Spill containment pads should be adequately designed and constructed to contain all liquid material from fueling stations. Base waste water should be monitored to prevent contamination of SWMA water supplies. 24

3-40. The Proposed Tactical Aircrew Combat Training System (TACTS) facility (#21) is within the SWMA. We recognize its need for safety purposes. If possible, this transponder should be located on private land within the boundary of the SWMA. If on lands under our control, use of helicopters for access for maintenance may be denied because of disturbance to wildlife. 22

3-49. Improvements to and associated increases in use of the B-20 range and the SOA will increase impacts on the adjacent SWMA, and area of high wildlife and recreational use. 21

4-6. Discussions on water resources should include waste water disposal. 26

4-7. Permanent surface water does exist in the proposed B-16 land withdrawal (Shekler Reservoir). This reservoir receives a lot of use by waterfowl and the public. 22

4-12. The DEIS should discuss wildlife of the SWMA and other wetlands. Only the bald eagle on Stillwater is discussed. Waterfowl migrate through passes in the SWMA into the proposed SOA. Other waterfowl move between the SWMA and the Humboldt Sink, passing through the airspace over the B-20 range. 21

4-15, Paragraph 1. The statement regarding "a wide variety of salamanders and toads" should be corrected to say that a wide variety of snakes and lizards occurs in the area. There are no salamanders in this area, and turtles, toads, and frogs are limited to a very few species. 26

Source citations are lacking for two statements that (1) there are 60 mountain lions in the SOA and (2) sagegrouse populations have been declining due to overgrazing. Reliable sources should be cited for statements like these. 27

Regarding threatened or endangered species, the Dixie Valley tui chub (Gila bicolor spp.) and Hardy's scarob beatle (Aegialia hardyi) are also candidate fish and insect species for federal listing in the area. 26

4-18. A baseline noise survey of only 3 hours in the SWMA is not sufficient. Both subsonic and supersonic noise levels in the marsh need to be studied. 28

4-20. Noise from exploding ordinance in the B-20 range is heard on the SWMA. Low decible aircraft or bomb noise is very noticable as there is little other human-caused noise. 23

4-23. The SWMA has 35,000 recreational visits annually and should be included in the DEIS discussion of recreation. The entire management area, including the SWMA is included in the National Wildlife Refuge System. 22

4-28. We are concerned about the location of Military Operations Areas (MOA's) and increases in military aircraft operations over the SWMA because of the increased hazard it represents to our personnel conducting aerial censuses of wildlife. 1

5-26. Observations by local residents on the noise from the B-16 range approach indicate that the impact of the SOA in the SWMA may be greater than illustrated in Figure 5.1.1. 22

5-62. The statement is incorrect. Proposals do conflict with our land-use policies. The SWMA, as a unit of the National Wildlife Refuge System, is a single- or primary-use area (as opposed to multiple use) in that the area is managed for wildlife values and other uses are permitted only if compatible. 12

5-63. The SWMA marsh is a designated Natural Historic Site. 22

5-70. The DEIS discusses in detail SOA and FNAS noise levels. It needs to address means to mitigate noise over the SWMA by selection of aircraft traffic routes between the base, ranges, and the SOA that avoid SWMA wetlands. 29

F-4. Land ownership totals may be correct. The Fish and Wildlife Service controls (does not own) 162,000 acres of BLM/Reclamation lands, which is designated to single-use purposes (wildlife). 22

F-33. The discussion of recreation should mention the SWMA. Of 35,000 visitors about 10,000 hunt, 12,000 fish, and 5,000 are observing wildlife. The Nevada Department of Wildlife should be contacted, as over 100,000 visits are recorded in other wetlands near B-17, B-16, and the FNAS. 22

F-34 & F-44. Use of public lands for recreation would be affected. Noise will degrade the quality and solitude of the experience. The SWMA is already affected by current levels of military aircraft activities. 23

Planning

The BLM's Lahontan Resource Management Plan is a comprehensive federal land use plan which should be fully considered in such places as Section 5.4 of Page G-174 in the DEIS. 6

Cultural Resources

The Navy should not assume, as the DEIS indicates on Page 5-57, that the BLM's cultural resource management program includes provisions for monitoring the impacts of sonic booms on historic properties or any other cultural resources. Instead, the Navy should collaborate with BLM to undertake specific steps to evaluate potential impacts, monitor them, and mitigate impacts which may be found to occur. 30

Minerals

Refer to Page 4-4, "...alkali salt deposits...in the immediate vicinity of Range B-20 have not been found to be economically attractive." This statement is misleading and may be untrue. BLM has refused to issue any salt leases on these lands because of the danger posed by the bombing range. 31

The following information is offered for inclusion in Table 4.1-1, Page 4-5, listing active mining districts:

Mining District	County	Type of Mine	Minerals	Source
Shady Run	Churchill	Open Pit	Gold	BLM
Rawhide	Mineral	Open Pit	Gold	BLM
New Pass	Churchill	Underground	Turquoise	BLM
Wonder	Churchill	Open Pit	Silver	BLM

Also, the Bernice Mining District is not active.

Because of the magnitude of the questions and comments by these Department of Interior Agencies, I would request that in the future the Department of the Navy coordinate more closely with the responsible Department of Interior Bureaus. 32

Sincerely,

Patricia S Port
Patricia Sanderson Port

cc: Dir., OEPR (w/copy incoming)
Reg. Dir., FWS
State Dir., BLM

VIRGIL GETTO
Assemblyman
Churchill, Lander, Eureka
and White Pine
District No. 35
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COMMITTEES
Chairman
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and Mining
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Ways and Means
Chairman
Ways and Means Prison
Subcommittee

Nevada Legislature
SIXTY-THIRD SESSION

March 4, 1985

Western Division
Naval Facilities Engineering Command
Code 2013
P.O. Box 727
San Bruno, CA 94066

Dear Sirs:

On behalf of my family and the residents of Churchill County and central Nevada whom I represent in the Nevada Legislature, I would like to thank you for the opportunity to comment on the following document: Draft Comprehensive Environmental Impact Statement for the Proposed Supersonic Operations Area and Other Proposed Actions at Naval Air Station, Fallon, Nevada.

My basic opinions concerning your proposals have not changed significantly since the public hearing conducted in Fallon, on October 18, 1982. This hearing was conducted by the Nevada Legislature's Federal Regulation Review Committee, and representatives of the United States Navy were in attendance. At that hearing, I went on record as supporting a strong national defense. I still do. I also acknowledge the positive benefits which the Navy has brought to the Fallon area. However, the proposed expansion at Fallon Naval Air Station is expected to produce some negative impacts in the area, including overcrowded schools, housing shortages and increased law enforcement requirements. 1

Secondly, I suggested that the Navy consider locating its Supersonic Operations Area (SOA) elsewhere if the needs of the Navy's programs could still be met. 2 I also suggested that the Navy concurrently study other areas during the preparation of the environmental impact statement. Although alternative sites were examined by the Navy, it appears as though most of these alternatives were not really viable to begin with. Of the five suggested alternatives presented by the Legislature's Federal Regulation Review Committee, only two (Nellis Air Force Base and the Pacific Ocean) were considered. The legislative committee also suggested the Nevada Test Site, salt flats and uninhabited areas. The Black Rock Desert was evaluated, but I would have liked to have some other areas of this type among your alternatives.

The entire environmental impact and site selection process appears to many of my constituents to have been pro forma. Was the decision to proceed with the proposed SOA made long ago by the Navy before the completion of this document and hearings of the public? 2

I also am concerned that sonic booms and subsonic noise may become a major problem in the immediate Fallon area. For example, the ellipse shown on page 5-26 of the EIS, when imposed over the western portion of the proposed SOA, would indicate that the Fallon area also can expect to experience sonic booms. 3

Another concern of the residents of the Fallon area involves the noise from activities in Area B-16. As I understand it, some of these operations will be moved to Area B-20. It is my fear that the negative effects of noise and seismic disturbance will be just as significant to the residents living in areas near B-20 as they have been in Area B-16. I would suggest that the Navy relocate these more objectional operations to an area totally removed from resident civilian population. 4

I am also concerned that the Navy has not adequately addressed the negative effects that the proposed SOA will have on the orderly development of geothermal resources in the Dixie Valley area. Unless adjustments to your proposal can be made, particularly those concerning the allowable height of electric transmission lines, we will lose a valuable source of energy and economic development resource. 5

Another issue which affects the residents of Dixie Valley is of particular concern to me. If the Navy decides to implement its SOA as proposed, Dixie Valley will not be a suitable place for human habitation because of the increased noise and sonic booms. Persons living in Dixie Valley who request that the Navy "buy them out" should be given fair market value for their property by the Navy plus adequate relocation costs. 6

In closing, the United States Navy is important to the defense of our Nation and to the residents of Churchill County. I would suggest that the Navy work closely with all affected entities and persons in the months and years to come. These efforts are needed to minimize any hardships which may result from the activities, operations and general presence of the Navy in Fallon and surrounding areas. Instituting a program similar to the Department of the Interior's "Good Neighbor Policy" is one possible way in which the Navy may seek to cooperate and work more closely 4 with the citizens of Churchill County, central Nevada, and the remainder of the state.

Thank you for your consideration of my views.

Sincerely,

Virgil Getto

Assemblyman Virgil Getto

VG/en
3-85.1:LTR6-7.1

23

SIERRA CLUB

Toiyabe Chapter – Nevada and Eastern California

PLEASE REPLY TO: ☐ ____________

☐ GREAT BASIN GROUP
P.O. Box 8096
University Station
Reno, Nevada 89507

☐ LAS VEGAS GROUP
P.O. Box 19777
Las Vegas, Nevada 89119

March 10, 1985

D. F. Walsh
US Navy/Western Division
Naval Facilities Engineering Command
PO Box 727
San Bruno, CA 94066

Re: Draft Environmental Impact Statement for the Proposed Supersonic Operations Area and Other Proposed Actions at Naval Air Station Fallon, Nevada

Dear Mr. Walsh,

On behalf of the Toiyabe Chapter of the Sierra Club, we are submitting the following comments on the Draft Environmental Impact Statement for the Proposed Supersonic Operations Area and Other Proposed Actions at Naval Air Station Fallon, Nevada (DEIS). We hereby incorporate by reference comments of other Sierra Club members in Nevada, including those of Dr. Richard Bargen. Our comments will summarize the deficiencies of the DEIS, and Dr. Bargen and others will provide more detailed comments.

I. GENERAL COMMENTS.

For the reasons stated below, the document fails to meet the minimum standards for a draft EIS and will require correction, revision, and re-publication as a draft. This conclusion results not only from the internal deficiencies in the document itself, but also because it fails to address the true scope of the military activity planned. 1

It is obvious from the DEIS that the proposed actions discussed are actually part of a larger "master plan" which includes the withdrawal of 181,000 acres of public land at various bombing and electronic warfare sites (discussed in a separate DEIS issued February 1985) and the withdrawal of 21,000 acres at bombing site Bravo-20 (which has not undergone proper NEPA review). All these actions are clearly interdependent and must be analyzed together in order to properly take into consideration their cumulative and long-term effects. Therefore, all actions involved in the "master plan" must be analyzed in one DEIS. Since there has never been "a broad environmental impact statement" for the overall "master plan" for these interrelated actions, this piecemeal approach of separate DEISs is improper 2

URI
The University of Rhode Island, Kingston, RI 02881-0816
Department of Zoology, Biological Sciences Building (401) 792-2372

27

Feb. 17,1985

R.W.Forsyth,
Director, Western Division
Naval Facilities Engineering Command,
Code 2013
900 Commodore Dr.
P.O. Box 727
San Bruno, CA94066-0720

Dear Mr.Forsyth,

For the past five years I have been engaged in a study of the feeding ecology and breeding biology of the American White Pelican in the Lahontan Basin of Nevada. In recent months I have become increasingly concerned by reports of plans by the Navy to conduct a series of low level supersonic flight tests in the vicinity of Fallon Naval Air Station. 1

The Fallon N.A.S. is adjacent to both the Stillwater Wildlife Management Area and the Carson Sink, both of which are essential feeding grounds for large numbers of waterfowl including White Pelicans. In addition to supporting what has historicly been the largest breeding colony of White Pelicans in the United States, the Stillwater Refuge also serves as a wintering area for numbers of Bald Eagles, which are regarded as a Rare and Endangered species.

Discussion with Morris LeFever, the Director of the Stillwater W.M.A., revealed that the Fish and Wildlife Service shares my concern that increased traffic in the vicinity of the Refuge, and frequent sonic booms throughout the Basin may have a serious impact on wildlife in the region.

Furthermore, Mr.LeFever informs me that the Navy intends to use a site (referred to as Bravo 20 in U.S.F.W.S. documents) in the vicinity of the Humboldt Sink for further low-level flight testing. Humboldt sink forms another major feeding area for pelicans breeding on Anaho Island in Pyramid Lake.

Apart from the almost certain disturbance of the birds by low-flying aircraft, a very real danger exists of bird/aircraft collisions should extensive operations be conducted either in the vicinity of the feeding grounds or on paths crossing routes used by the pelicans to commute between Pyramid Lake and the Humboldt and Carson Sinks. The serious nature of such aerial collisions has been well documented, and it would seem advisable that the Navy be in a position to minimize the probability of such an occurence. 2

A major portion of my current studies will involve determining the precise habitat used by the pelicans for feeding and resting, as well as the paths taken by the birds to and from Pyramid Lake. Since much of the Lahontan Basin is inaccessible to normal motorized traffic, I had hoped to be able to conduct aerial surveys of the region in order to establish the location of pelican concentrations. Unfortunately budget cutbacks in both the U.S.F.W.S. and other granting agencies have forced me to curtail these plans for the forseeable future, although I have been able to obtain funding and facilities for limited ground-based field work. 2

I was wondering whether the Navy either had funds available for further research into this question, or would be willing to provide me with aerial photographs taken over the Carson and Humboldt Sinks. Analysis of such data would both permit me to complete my research and provide the Navy with what would appear to be important information on both safety and environmental impact within the region.

Mr.LeFever suggested that I initiate my request by writing to you as director of the Fallon expansion program. I would be extremely grateful for further information on the Navy's plans, and for the names of other persons that I should contact.

When not in Nevada I can be reached at:

1020 Middlefield Rd.
Berkeley, CA94708

(415) 841-5335

Yours Sincerely

Jon anderson

(John Anderson)

cc:U.S.F.W.S./ja

February 9, 1995

Lyle de Braga
11050 Fitz Ln.
Fallon, NV 89406

Dept. Of Navy
Western Division
P.O. Box 727
San Bruno, CA 94066

Gentlemen:

I am writing in regard to the DEIS statement recently released by your office for Churchill County and other areas affected by NAS Fallon Nevada activities. I think the DEIS is very inadequate in several areas. 1

First, on your map (Fig. 4.6-1) which shows ranches and farms that are affected, you neglected to show any farms in the Stillwater area. There are many ranches in Stillwater. Why weren't they considered on your map? 2

Also, we who farm this area, spend a lot of money leveling our land with lasers and at the present level you use Bravo 20, we here in Stillwater get a lot of shaking from bombing. If you upgrade Bravo 20 and use it a lot more, I don't think we will be able to keep our land leveled considering all the shaking and settling which occurs. Is the Navy willing to pay us what it will cost to keep our land in shape to grow crops? 3

The number of sonic booms we experience in this area now is very hard on our houses and buildings. If these sonic booms are increased to 20-25 a day, I don't believe our buildings will be able to withstand that kind of impact for long without major damage. Is the Navy willing to pay for these damages, or not? 4

As to the effect sonic booms have on animals, and livestock, it is considerable. Our dogs, which are cowdogs, get very scared when a sonic boom occurs. They will crowd up against us or jump in the pickup and hide on the floor. It has a very detrimental effect on them. 5

And the problems sonic booms cause for cattle are equally severe. I've had feed racks in the field tipped over and broken and, in a couple of cases, cattle injured when a sonic boom hit while the cattle were at the racks eating. Cattle will stampede for a short distance when startled in this manner.

I ~~XXXX~~ think there is a lot of open country in Nevada that could be used for military training. I don't think it is necessary to fly directly over our houses and ranches or to bomb in close enough proximity to us to cause harm to our land and our animals. 3

I believe the Navy should be responsible for these booms and ground pilots who cause them until the pilots learn how and where to fly. 4

We urgently request that you give consideration to these requests as continued or increased activity in our area will adversely affect the livelihood and well-being of many people.

Thank you. Lyle de Braga

Ted deBraga
2300 Swope Lane
Fallon, Nevada 89406

February 12, 1985

Department of Navy
Western Division
Naval Facilities
Engineering Command
P.O. Box 727
San Bruno, California 94066

Dear Sirs:

I am writing to you about the damage that maybe caused to my agricultural land, homes, structures, etc., in the Stillwater area, northeast of Fallon, Nevada. Due to the new aircraft that is going to be used and the size of bombs and weapons used.

My concern is that the sonic booms created by the aircraft going to and from the Fallon Naval Air Station to the B-20 site, and other sites, and the bombs that are now being used and the bombs that are going to be used in the future will shake the ground and buildings, causing cracks in the buildings and homes, settling of the ground, creating low spots in my fields; which cuts down yields, creates weeds etc. We are all ready getting damage. 1

We have spent years and thousands of dollars leveling and developing this land, and I don't like to see this happen to it.

I agree our pilots need some place to practice so we will have a strong national defense, etc. So in that regard this letter is to put you on notice that: I am willing to live with the noise, booms, ground shaking, etc., but at the same time I feel any damage done to my land, buildings, home, etc. should be compensated for. 2

The map Figure 4, 6-1, shows no farms or ranches in the Stillwater area, this is absolutely not true; there are thousands of acres of agricultural land being irriagated by water from a Federal Reclamation Project. Somebody from your department had better make a more legitimate survey of the area and present the true facts. 3

I cordially invite you Gentleman to come observe first hand the jarrings, movement of the land, buildings shaking, concussion affect, ets, created by these planes and weapons being used.

Sincerely,

Ted deBraga

CC
Commander Austin
Senator P. Laxalt
Senator C. Hecht
Representative B. Vacanovich

4750 Portuguese Lane
Fallon, Nevada 89406
January 28, 1985

Mr. R. W. Forsyth, Director
Installation Planning Division
Dept. of the Navy, Western Division
Naval Facilities, Engineering Command
P. O. Box 727
San Bruno, California 94066

Dear Mr. Forsyth:

We are hereby registering our protest against the Draft Environmental Impact Statement for the Naval Air Station Fallon, particularly against the enlargement and increased use of the Bravo 20 Range.

2 The map on page 4-23 of the D.E.I.S. indicates that there is nothing but unoccupied area east of the Paiute-Shoshone Reservation. This is a gross error. As residents, we would like you to know that the agricultural community of Stillwater, which predates both Fallon and NAS Fallon, lies directly east of the Indian Reservation and immediately south of Bravo 20. In this community there are approximately 9,300 acres of land devoted to the production of alfalfa, feed grains and livestock. These ranches are owned and operated by second, third and fourth generation families whose entire livelihood depends on production from the area; yet, the D.E.I.S. indicates this is uninhabited territory. Why? When was this map prepared and by whom? On what was it based?

3 It is a matter of record that these ranches have received structural damage from the present bombing practices on Bravo 20. Increased use will certainly result in increased structural damage. Why is this information not included in the D.E.I.S.?

4 Nowhere in the D.E.I.S. is consideration given to the fact that the Stillwater area and the Bravo 20 Range lie within an active seismic area. What will increased bombing on Bravo 20 do to the artesian hot water wells which are so important to the community? Within this area there is a commercial greenhouse which furnishes 3,000 plants a month to the Albertson stores in Nevada, Utah and Idaho. In addition to this commercial use, the ranches utilize artesian hot water for domestic use and heating. What studies have been done with regard to the underlying strata? How can

residents be sure that their hot water temperatures will not be affected? Or, what if the strata shift, because of the bombings, and the hot water supply disappears entirely? This shifting is of prime concern because the present levels of bombing activity have caused strata shifts in the vicinity of cold water wells of the community. These shifts have rendered the cold water wells unable to deliver enough water to satisfy domestic needs. Increased use of Bravo 20 will surely increase the possibility of more damage to wells. Why is this problem not addressed in the D.E.I.S.?

Have there been studies made of the effects of sonic booms on the reproductive cycles of livestock? This is another area of great importance to Stillwater area residents. Why is it not included in the D.E.I.S.? 5

Unfortunately, with each change of command at NAS Fallon, there is a corresponding change in the attitude and cooperation given to persons who have suffered damage from the aircraft using the practice ranges in the area. Why can't this varying policy be eliminated and the ranchers be guaranteed an immediate hearing and satisfactory reimbursement upon simple proof of damage? Why is this not a part of the D.E.I.S.? 6

Whether accidental or deliberate, the ignoring of the just concerns of those directly affected by the increased use of the ranges around Fallon will result in ill will toward NAS Fallon. Let us all work together for the good of all.

Sincerely,

Edward W. Viera
Edward W. Viera

Grace L. Viera
Grace L. Viera

AFTER ROUTING ☐ FILE ☐ DESTROY

CODE	INITIAL & DATE
20	1/31
2313	
2012.5	FILES

31 JAN 19..

13333 Stillwater Road
Fallon, Nevada 89406
Nov 1-1985

To Whom It May Concern

I have resided at the above address for the past 40 years.

During the limited use by the Navy of Bravo 20 we have felt numerous shock waves which has shaken our home as well as garage, shop & machine sheds while bombing at Bravo 20.

We have called the navy base here at Fallon numerous times in protest of the dropping of 500 pound & heavier bombs

We also believe that the dropping of these have caused frost holes in our cultivated fields.

Yours truly
Ira H Kent

STATE OF NEVADA) ss
COUNTY OF CHURCHILL)

On November 1, 1985 personally appeared before me, a Notary Public, Ira H. Kent who acknowledged that he executed the above instrument.

Christine Recanzone exp 5/28/89

CHRISTINE RECANZONE
Notary Public - State of Nevada
Appointment Recorded in Churchill County
MY APPOINTMENT EXPIRES MAY 28, 1989

We are Karl and Betty Weishaupt , and we live approximately 20 miles south of Bravo 20 . We are very much concerned about the low level flying planes particularly the bombing on Bravo 20 here in our valley , and also the planes that fly thru here that break the sound barrier . We are farmers and depend on our crops for our livelyhood which means our fields have to be level in order for the water to get on the fields and off . The planes doing the low level flying and bombing on Bravo 20 fly over the livestock out on the pastures and startle them causing them to stampede to the corrals and consequently they do [illegible] weight if they are upset . The planes bombing on Bravo 20 and breaking the sound barrier seem to settle the ground and we have got holes in our fields which means if the water stands in these holes the crop gets drowned out and we have to work the field and replant which is costly and unnecessary . Also , [illegible] that have flown low over our home and the planes [illegible] [illegible] caused a great deal of heavy structural damage to our home and outbuildings . It would be a waste of money to repair the damage to our home and buildings if these planes continue to fly as they have in the past .

We hope our letters will have a great deal of bearing on your thinking [illegible] continuing this base and the planes flying thru from elsewhere at our [illegible] . This has been changed and we resent it especially since this bombing [illegible] can be done elsewhere . We are not trying to be unpatriotic but when there are others places this practice bombing can be done we don't think this [illegible] agricultural valley has to be used .

Stop and think about this : This valley produces a lot to help feed the people here and elsewhere , corrals full of cattle , sheep , and pigs and fields of alfalfa hay , wheat , barley , and corn contribute to the economy of our country . If this valley was the last area to practice low level flying and bombing and for planes to fly thru here at super sonic speeds then we would not say anything but there are vast areas of unusable ground that could be used for those purposes .

We wany to mention also , we heat our home from a hot water artesian well and we are very much concerned that this bombing on Bravo 20 right close off our well because after some bombing runs on Bravo 20 we have found blue sand when we turn the faucets on .

Karl Weishaupt
Karl Weishaupt
Betty Weishaupt
Betty-Weishaupt

[illegible]
(Individual)

(TI)

STATE OF NEVADA
COUNTY OF CHURCHILL } ss.

On November 12, 1985 before me, the undersigned, a Notary Public in and for said State, personally appeared Karl Weishaupt and Betty Weishaupt

known to me to be the person s whose name s are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Signature Michael Berney

Michael Berney
Name (Typed or Printed)

MICHAEL BERNEY
Notary Public - Nevada
Churchill County
My appointment expires Feb 6, 1988

AFFIDAVIT

November 5,1985

To Whom It May Concern:

Damages done by Bravo 20

1. Land settling in waves must be laser leveled every time we plow.
2. Cracks in windows of shops and houses.
3. Rattles doors in house wakes us up at night.
4. Sand pump shallow stock wells - BLM Range at least twice a year.
5. House plaster cracking.

11-5-85

Marvin Weishaupt
4020 Freeman Lane
Fallon Nevada

JOHN SERPA
Notary Public - State of Nevada
Appointment Recorded in Churchill County
MY APPOINTMENT EXPIRES APR. 28, 1989

Novemer 9. 1985

To Whom it May Concern:

I am a businessman and home owner living 4 miles west of Fallon and approximately 35 miles from Bravo-20. I have lived at my present address (900 Briggs Ln.) for 10 years and was born in Fallon. About 3 years ago the Navy stepped up their bombing of Bravo-20 and since then, as a result of structural shaking, I have suffered several thousand dollars damage to my home. I kept a record of ground shaking and it coincides with their activities. My walls are cracked and nails popped loose. I have witnesses to the shaking. Since Bravo-20 has been shut down damage to my home by the military has been limited to that caused by an occasional sonic boom.

The Navy has denied responsibility and has refused my damage claims. It is my opinion that they did a very sloppy investigation. I would be happy to furnish any congressional body with my documentation. Bravo-20 should be kept closed.

Sincerely,

Richard L Hart

Richard L. Hart

Subscribed and sworn before me, this 9th day of November 1985.

Richard A Holmes

Richard A. Holmes

RICHARD A. HOLMES
Notary Public - State of Nevada
[illegible] County
MY APPOINTMENT EXPIRES DEC 7, 1987

4[illegible]50 Portuguese Lane
Fallon, NV 89406
November 12, 1985

To Whom It May Concern:

My name is Edward W. Viera. I was born on the farm where I presently live. I have lived here continuously since March 16, 1921, except for four years during W. W. II.

I believe that the concussion (ripple effect) from the bombing practice on Bravo 20 has caused waves and swales in an alfalfa field on my property which lies farthest north toward Bravo 20. The field was laser leveled before it was planted and the swales have developed since.

My cold water well, used for domestic purposes, has collapsed and had to be reopened because of the heavy bombing. At times the artesian hot water well, used for domestic and stock water, varies in flow and is full of black sand because of heavy bombing.

I am concerned that because these things happen at relatively low levels of use of Bravo 20, higher levels of use will significantly increase the damage to my fields and water systems.

Sincerely,

Edward W. Viera

Subscribed and sworn before me this 13th day of November, 1985

Richard A. Holmes
Richard A. Holmes

RICHARD A. HOLMES

AFFIDAVIT

Richard and Pamela Stelling

(copied for improved clarity)

November 11, 1985

My name is Pam Stelling and lived at 4280 Vaughn Road in Fallon Nevada approximately 20-25 miles from Bravo 20. On numerous occasions there were bomb ordinances and sonic booms, almost everyday. When I'd call to file a complaint against the bomb ordinances they'd give me flimsy excuses, such as atmospheric conditions...Bull! These are a few examples of what occurred at our property in the 1 year there May 84 - May 85.

(1) We bought a new 1985 single wide mobile home that was levelled and set on the property while we were going to build our home. Two different times the sewer line broke (joint). We found this the day after a bomb ordinance.

(2) We had a 28x40 building (garage & storage) built of which after 2 bomb ordinances were dropped a crack resulted in one corner of that building.

(3) In October 1985 while on my horse, a bomb (sonic or ordinance) was dropped, to such an extent my horse bolted throwing me. I have been on them numerous times there when we've had this problem, only then was I thrown. By the way I did take my now 3 year old daughter with me. I stopped for great fear of injury to herself and me.

(4) Being 20-25 miles away, it is not quite far enough as when a bomb dropped the ground, house, china, everything shook like no mild earthquake!

(5) Most important to me however is the effect it had on my daughter from 1 1/2 - 2 3/4 years old. When we moved here, she might be asleep or playing; as it usually was she was napping. When a bomb dropped, she come in crying from fear, at the shaking which occurred 2 times. But the bombs are dropped by jet jocks and they fly so low I've had to plug my ears and she has literally screamed in terror and they go thundering by. But who cares about the peons down here, we're just citizens! And yes I have called the base to complain and all you get is the run around! We have since moved to another location.

I would like to say to whom it may concern, that my brother is in the forces (a green beret) and I have great respect for our government boys. But....it is quickly fading because of the jerks above. The government must remember one thing: the people are the country! And if the navy wants a war it certainly won't have to go to Russia for it, because if it has no respect for its own people soon the people will turn against it! We need some politicians who care and the dictionary describes this word well. And if an environmental impact study was done the people were dumb, deaf, and blind because being 20-25 miles away I was a nervous wreck! Why complain, no one does anything....will you? Thank you.

Mr. and Mrs. Richard Stelling
2055 Bafford Lane; Fallon, Nevada

11-13-85

November 11, 198

My name is Pam Stelling and lived at 4280 Vaughn Roa in Fallon Nevada approximately 20-25 miles from Bra 20. On numerous occasions there were bomb ordinances an sonic booms, almost everyday. When I'd call to file a complaint against the bomb ordinances they'd give me flimsy excuses, such as atmospheric conditions. Bu These are a few examples of what occurred at our property in the 1½ years there May 84 - May 85.

① We bought a new 1985 single wide mobile home that was leveled and set on the property while we were going to build our home. Two different times the sewer line broke (joint). We found this the day after a bomb ordinance.

② We had a 28 x 40 building (garage, storage built) which after 2 bomb ordinances were dropped a crack resulted in one corner of that building.

③ In October 1985 while on my horse, a bomb (sonic or ordinance) was dropped, to such an extent my horse bolted throwing me. I have been on them numerous other times there when we've had this problem, only then was I thrown. By the way I did take my now 3 year old daughter with me. I stopped for great fear of injury to herself and me

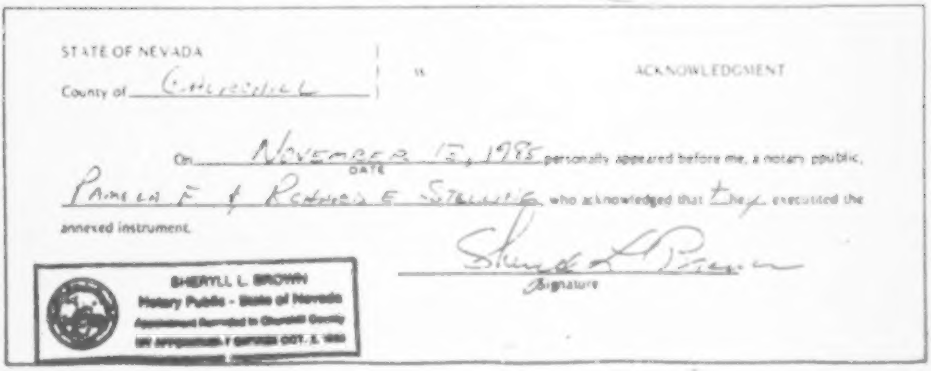
④ Being 20-25 miles away, it is not quite far enough as when a bomb dropped the glass house, china, everything shook like no mild earthquake!

⑤ Most important to me however is the effect it had on my daughter from 1½ - 2¾ years old. When we moved here, she might be asleep on playing; as it usually was she was napping. When a bomb dropped, she came in crying from fear at the shaking which occurred 2 times. But the bombs are dropped by jet jocks and they fly so low I've had to plug my ears and she has literally screamed in terror and they go thundering by. But who cares about the peons down here, we're just citizens! And yes I have called the base to complain and all you get is the run around! We have since moved to another location

I would like to say to whom ever it may concern, that my brother is in the [illegible] (a green beret) and I have great respect for our government boys. But ..... it is quickly fading because of the jerks above. The government must remember one thing; the people ~~a~~ are the country! And if the navy wants a war it certainly won't have to go to Russia for it, because if it has no respect for its own people soon the people will turn against it! We need some politician who care and the dictionary describes this word well. And if an environmental impact study was done the people were dumb, deaf, and blind because being 20-25 miles away I was a nervous wreck! Why complain, no one does anything.... will you? Thank you.

-Mr & Mrs Richard Stelling
2055 Bafford Lane; Fallon, Nevada
Pamela J Stelling

LETTER



STATE OF NEVADA)
) ss ACKNOWLEDGMENT
County of CHURCHILL)

On NOVEMBER 15, 1985 personally appeared before me, a notary public, PAMELA F & RICHARD E STELLING who acknowledged that they executed the annexed instrument.

SHERYLL L. BROWN
Notary Public - State of Nevada
Appointment Recorded in Churchill County
MY APPOINTMENT EXPIRES OCT. 5, [illegible]

Sheryll L Brown
Signature

SECTION 3

This is a "catch all" section of pertinent interest.

NAVY LAND ACQUISITIONS (IN ACRES)
(Churchill County, Nevada)

	B16	B17	B19	B20	EW RNG.	SHOALS	TOTALS
1953*	17,280	21,400	17,332				56,012
1982**				19,429			19,429
1982***	31,304	31,905	18,038		92,673	7,404	181,324
1986****				21,576			21,576
							278,341

*----Withdrawn under Public Land Order 898 (Fed.Reg.Doc. 53-5428)

**---Declaration of Taking of Southern Pacific lands in area of Lone Rock (U.S. District Court, CVR-82-328-ECR).

***--Withdrawal pending EIS and approval (Fed.Reg./ Vol. 47,No.204).

****-Vucanovich's B-20 withdrawal bill (H.R. 4351).

Notes:

1. "The main station encompasses (an additional) 7982 acres..."
   (for a total of 286,323 acres---quoted from the 1983 NAS Master Plan)

2. The total does not include expected acquisitions resulting from buyouts in the Supersonic Operations Area.

February 28, 1986

Congressman John Seiberling
Chairman, Sub-committee on Public Lands
House Office Building, Room 812
Washington, D.C. 20515

Dear Mr. Chairman:

Please include this letter and attached document with my previous testimony relating to H.R.1790. The document is the Airspace Utilization Report for the restricted airspace overlying the Navy's "Bravo-20" bombing range. Please note that the Navy is informing the Federal Aviation Administration that they expect their utilization to "dramatically increase". It is our contention that they have not properly addressed the environmental impacts of their current activity--let alone any dramatic increase.

The Navy will insure our continued respect and support if they will properly and legally pursue their goals.

Respectfully,

Dick Holmes

Dick Holmes, Chairman
Concerned Rural Nevadans
Box 629
Fallon, Nevada 89406

Included:
Enclosure (1) of [illegible]

RESTRICTED AIRSPACE UTILIZATION

1. AREA NAME, NUMBER, AND REPORTING PERIOD

a. Lone Rock, Nevada, Restricted Area 4802
b. 1 October 1984 - 30 September 1985

2. ACTIVITIES CONDUCTED

During this period, R4802 air-to-ground events included:

a. Dive bombing
b. Live Ordnance Delivery
c. Rockets
d. Strafing
e. Low altitude bombing
f. Tactics
g. Ordnance dump
h. Coordinated attack
i. Photo runs
j. Scoring observers
k. Air-to-air refueling
l. Loft Bombing Impact Point

3. NUMBER OF HOURS DAILY, THE DAYS OF THE WEEK, THE NUMBER OF WEEKS DURING THE YEAR THAT THE AREA WAS USED

Daily operations were normally conducted 0730 - 1800. Night operations were conducted during varying time periods between 1900 and 2300 depending on the time of year and needs of the user. The area was used for 52 weeks. Average use was 10 hours weekdays, 7 hours Saturdays, and 2 hours Sundays. Peak usage was 15 hours per day depending upon the number of deployed or fly-in units.

4. FOR RESTRICTED AREAS HAVING A JOINT USE DESIGNATION, STATE THE NUMBER OF HOURS DAILY, THE DAYS OF THE WEEK, AND THE NUMBER OF WEEKS DURING THE YEAR THAT THE RESTRICTED AREA WAS RELEASED TO THE CONTROLLING AGENCY FOR PUBLIC USE

R4802, a joint-use restricted area, was released to Oakland Center 8 hours per day, all days, all weeks. Since this is an ordnance release area, availability for ordnance release must be on very short notice. Transit by civil aircraft is not permitted.

5. ALTITUDES USED DAILY

a. Dive bombing	Surface to 8,000	
b. Live ordnance delivery	Surface to 8,000	
c. Rockets	Surface to 8,000	Occasional
d. Strafing	Surface to 8,000	
e. Low altitude bombing	Surface to 8,000	
f. Ordnance dump	Surface to 8,000	Occasional
g. Coordinated attack	Surface to 8,000	Occasional
h. Photo runs	Surface to 8,000	Occasional
i. Scoring observers	Surface to 8,000	Occasional
j. Air-to-air-recovery	Surface to 8,000	Occasional
k. Tactics	Surface to 8,000	Occasional
l. Loft Bombing Impact Point	Surface to 8,000	Occasional

Enclosure (1)

6. AREA CHART

No changes to the area have been made.

7. OTHER INFORMATION/REMARKS

a. R4802 was closed mid-third quarter FY 85 through fourth quarter FY 85 for unexploded ordnance clearing and land survey for major MILCON projects. Further closure is anticipated beginning late third quarter FY 86 through fourth quarter FY 87 for major MILCON projects, installation which upon completion, will dramatically increase its utilization.

b. R4802 and other targets encompassing NAS Fallon provide special use airspace for airwings and squadrons deploying to NAS Fallon and fly-in squadrons.

c. Area is used for multi-aircraft coordinated attack and live ordnance delivery essential to fleet training exercises.

d. R4802 is primarily used in conjunction with the surrounding R4813. As a designated ordnance release area, R4802 may be scheduled with, or independent of, R4813 airspace.

e. This area will be used for laser operations beginning in FY 86 upon meeting requirements for a certified laser range.

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350

IN REPLY REFER TO
11011
Ser 04E/5U394852
29 Jul 85

Mr. Dick Holmes, Chairman
Concerned Rural Nevadans
Box 629
Fallon, Nevada 89406

Dear Mr. Holmes:

This is in response to your letter of June 24, 1985 to Secretary Lehman regarding Churchill County residents who have complained to you about earth tremors and structural shaking which they believe is caused by activity at the Navy's Bravo-20 bombing range.

The Naval Air Station Fallon has operated the Bravo 20 range for over 30 years and has not received any claims of damage as a result of seismic tremors from the range. In one case involving a claim purportedly from aircraft overflights and sonic booms, a homeowner stated that the claimed damage may have been a result of seismic activity from the range. Station personnel studied this possibility but found no credible evidence or theory to explain how such seismic activity could effect this distant house and not effect other houses closer to the range. Nevertheless, the station will investigate claims for such damages, and, if caused by activity on Bravo 20, payment will be made.

In light of the fact that there have been no claims over the years, we do not believe that a situation exists which warrants an entirely new environmental evaluation or the rescinding of the previous Finding of No Significant Impact. As you are aware, the Navy has further addressed the effects of the Bravo 20 land withdrawal in the environmental impact statement process for both the supersonic operations area and the proposed withdrawal of 181,000 acres. In addition, the Navy intends to set up sonic boom monitoring station approximately 20 miles south of B-20, and is considering the establishment of a seismic station in the same area. At present, the Navy is working with the Governor's office to determine the merits of such a program. We believe that these efforts will provide additional means for evaluating the effects of bombing on Bravo 20.

Not so

Sincerely,

R. J. Hughes
R. J. HUGHES
Vice Admiral, U. S. Navy
Deputy Chief of Naval
Operations (Logistics)

Admiral Hughes
is mis-informed -
Copy sent to
BLM Reno for
their files.

Compiled by Ed + Ruth Robbins
Dixie Valley

Date	Time	Agency	Aircraft	Involvement
1-3-83	11:45AM	unknown	unknown	sonic boom (double)
1-4-83	9:17AM	unknown	unknown	sonic boom (double)
1-4-83	10:40AM	unknown	unknown	sonic boom very loud
1-9-83	1:00PM	Navy		High altitude aircraft activity
1-8-83	2:13PM	Navy		bombing shook house
1-8-83	3:18 PM	Navy		bombing
1-8-83	3:45 PM	unknown	unknown	sonic boom (double)
1-10-83	9:15 AM	Navy		bombing "Bravo-20"
1-11-83	1:55PM	Navy		High altitude aircraft activity
1-15-83	9:30AM	Navy		bombing
1-15-83	2:00 PM	Navy	11 𝍸 𝍸 𝍸	bombing shaking house
1-19-83	10:22AM	Navy		bombing Bravo-20 shaking hou
1-21-83	2:15 PM	Navy	2 A-7	3000' AGL circling Turley's to rock p
1-23-83	2:50PM	unknown	unknown	sonic boom (double) severe intensi
1-26-83	8:23 PM	unknown	unknown	sonic boom
1-29-83	10:48AM	Navy		bombing "Bravo-20"
2-2-83	AM	Navy		bombing
2-6-83	8:02 AM	Navy		bombing shaking house badly
2-6-83	2:45 PM	Navy		High altitude aircraft activity
2-7-83	7:55AM	Navy	𝍸 𝍸 𝍸	Bombing
2-7-83	4:45PM	Navy		bombing shook house
2-8-83	10:07AM	unknown	unknown	sonic boom
2-12-83	10:03AM	Navy	Heavy 𝍸 𝍸 11	Bombing "Bravo-20" shaking hou
2-12-83	7:08 PM	Navy	Heavy 𝍸 𝍸 1	Bombing "Bravo-20" shaking hou
2-13-83	10:20AM	Navy		Bombing "Bravo-20"
2-14-83	10:55AM	Navy		Bombing "Bravo-20"
2-16-83	9:33AM	unknown	unknown	sonic boom
2-16-83	11:02 AM	unknown	unknown	sonic boom (double)
2-19-83	12:00 PM	unknown	unknown	sonic boom
2-20-83	10:54 AM	Navy	A-7	1500' AGL over settlement
2-20-83	11:10 AM	Navy	2 A-7	750' AGL over settlement
2-21-83	9:22 AM	unknown	unknown	sonic boom
2-21-83	11:28 AM	Navy		Bombing shaking house badly

Dixie Valley NV

Date	Time	Agency	Aircraft	Involvement
1-14-85	1:24 PM	Navy	卌	Bombing #Bravo-20
1-14-85	2:22PM	Navy		Bombing #Bravo-20 (heavy)
1-22-85	12:54 PM	unknown	unknown	Sonic boom (double)
1-29-85	12:45 PM	Military	Helicopter	West side of valley heading north
1-29-85	1:33PM	Military	Helicopter	West side of valley heading south
1-29-85	4:03PM	Navy		house shaking High altitude aircraft activity over valley
1-31-85	3:15 PM	Navy		below 500'AGL over settlement
2-1-85	10:00AM	Navy		Bombing #Bravo-20: shaking house (badly)
2-5-85	9:09 AM	Navy		Bombing #Bravo-20:
2-5-85	9:45AM	Navy		Bombing :Bravo-20 shaking house
2-5-85	early PM	Navy		Bombing #Bravo-20 shaking valley
2-6-85	8:54 AM	Navy		Bombing #Bravo-20
2-6-85	9:26 AM	Navy		Bombing #Bravo-20 : shaking house
2-6-85	9:32 AM	Navy		Bombing #Bravo-20 : violent shaking of house
2-8-85	8:53 AM	Navy	F-14	750'AGL over settlement
2-8-85	9:55AM	Navy	2-A-7 1 A-7	100'AGL 1/4 mile east of house 50'AGL over house
2-8-85	9:56AM	Navy		Bombing #Bravo-20 :
2-11-85	11:51AM	Air Force	SR-71	Sonic boom (double) called in
2-11-85	12:30 PM	Air Force	SR-71	Sonic boom (double) shook house
2-13-85	3:12 PM 3:15 PM	Navy	卌 1	Bombing #Bravo-20: shook house
2-13-85	4:21 PM	Navy	1	Bombing #Bravo-20
2-14-85	10:43 AM	Navy	111	Bombing #Bravo-20:
2-14-85	4:07 PM	Navy	11	Bombing #Bravo-20: hard
2-15-85	7:28 AM	unknown	unknown	Sonic boom (double)
2-20-85	7:35PM	unknown	unknown	Sonic boom (UNR) Strong vibration in house 5-7 seconds
2-20-85	8:25 PM	unknown	unknown	Sonic boom (double)
2-21-85	11:06 AM	Navy	卌 卌 卌 卌 1	Bombing Bravo-20 Temp 42° light wind Shaking house
2-21-85	3:17 PM	Navy	卌 1	Bombing #Bravo-20: Temp 47°
2-21-85	3:41 PM	Navy	11	Bombing #Bravo-20
2-21-85	3:44 PM	Navy	1-1-1	Bombing #Bravo-20 (6)

Senator HECHT. Thank you very much and thank you for coming such a long distance to testify. Your statement will be a part of the record.

Mr. William Rosse.

STATEMENT OF WILLIAM ROSSE, SR., WESTERN SHOSHONE NATIONAL COUNCIL

Mr. ROSSE. Mr. Chairman and members, my name is William Rosse, Sr., and I am here today on behalf of the Western Shoshone National Council. I am a member of Western Solidarity and I also represent native Americans of Nevada.

Regarding Senate bill 2412, I am opposed to it and feel that this bill should not be passed. In the first place, there needs to be a comprehensive environmental impact statement done by an independent, nonmilitary organization, which would answer all of the health questions and the impact that land withdrawal would have on native American religious rights, as well as our land rights—meaning our caretaker responsibility toward the land.

As you know, the Western Shoshone Nation is still in negotiation with the U.S. Government over the lands at Nellis Test Site, China Lake, Chocolate Mountain, and other lands, totaling over 30 million acres.

Second, the Lone Rock Area in Churchill County, NV, should be excluded from this omnibus bill because it is a separate and distinct issue.

Over the years, Lone Rock, previously known as Bravo 20, has been used illegally by the military, ignoring and trampling on the religious rights of the Paiute people who hold this ground as a sacred site. It is also a ceremonial gathering place for the other native tribes.

We understand that this is public domain and the area has been used without authority since 1952. There was no withdrawal or permits issued by the Bureau of Land Management.

We are a sovereign nation. The Supreme Court cannot extinguish land title to the Western Shoshone lands. Until such time as Congress and the Western Shoshone Nation have reached a negotiated agreement on this issue, we hold aboriginal title to the lands in question. The Government is not acting in good faith by continuing to use or withdraw these lands while we are in negotiations.

We are the caretakers of this land. While we do not claim ownership, we have a responsibility to maintain the land the way it was when the Creator created this land. I ask you, the Members of Congress, as the decisionmakers, to not pass this Senate bill 2412. I ask this on behalf of the Western Shoshone Nation.

And I thank you for the opportunity to appear before you.

I would like to add just for the record there is a resolution passed by the Inter-Tribal Council of Nevada, which represents 24 colonies and reservations in Nevada, which is in opposition to Bravo 20 proceedings.

Senator HECHT. It will be a matter of record.

Mr. ROSSE. For your benefit and question, this in blue is lands the Shoshone Nation claims.

Senator **Hecht**. Would you like to put that map in the record, too?

Mr. **Rosse**. I would like to have that in the record. I will have to get a copy. This is the only copy I have.

Senator **Hecht**. We will make a copy for you at Government expense.

Mr. **Rosse**. We thank you, on behalf of the Shoshone Nation.

[The resolution and map referred to follows:]

Resolution No. ITCN-85-20

RESOLUTION
OF
INTER-TRIBAL COUNCIL OF NEVADA, INC.

We, the Executive Board of the Inter-Tribal Council of Nevada, as the body composed of the elected representatives of the twenty-four Indian reservations and colonies in Nevada as the duly chartered Indian organization which speaks for the wishes and desires of the state's Indian population, do hereby resolve;

WHEREAS, the Executive Board of the Inter-Tribal Council of Nevada is comprised of the Chairmen of the federally recognized tribes in the State of Nevada and whose charter is ratified by these same tribes, and

WHEREAS, the Supersonic Operations Areas proposed by the military air service of the United States for hundreds of thousands of cubic miles of airspace over rural Western United States, and

WHEREAS, the proposed SOAs represent a known public health hazard and threaten to destroy the quality of life in the very regions of our peoples homelands where this attribute of life is most highly esteemed, and

WHEREAS, the SOAs are being proposed in a hazardous and piece meal fashion, and

WHEREAS, naval and air force studies have upheld the scientific conclusion in the past that these types of proposed aircombat operations cannot be conducted over human beings, and

WHEREAS, actions based on scientifically fraudulent environmental impact statements are being implemented, and

WHEREAS, these actions which have now commenced will cease only when the Department of Defense, the Navy and Air Force, jointly agree to fund a comprehensive programmatic EIS by an independent technical expert committee on the subject of SOAs, and

WHEREAS, the site specific EISs for Valentine, Texas; Sells, Arizona; Reserve, New Mexico and Fallon, Nevada are of such poor scientific quality, that the requirements of National Environmental Protection Agency have not been fulfilled, and

WHEREAS, the aforementioned documents once revised entirely and properly and resubmitted to the EPA through the comprehensive, programmatic environmental impact statement produced by an independent technical committee proceeding through the NEPA process allows site selection in a scientific fashion, and

WHEREAS, in the Fallon, Nevada region the Native American ethnographic religious resource called Lone Rock is the target at the Bravo-20 bombing range, and

RESOLUTION
OF
INTER-TRIBAL COUNCIL OF NEVADA, INC.

WHEREAS, there is a need for a separate environmental impact statement that will address the impacts of continuing ordnance drops on Lone Rock, and

WHEREAS, this separate EIS must be conducted by an independent consultant hired with the concurrence of the Tribes most affected, specifically the Paiute Tribe, and this Tribe shall be designated a 'cooperating agency' for the purpose of this EIS, and

WHEREEAS, the Navy has an obligation to decontaminate the Bravo-20 area involved and to salvage and sell the ordnance now contaminating public domain lands, and

WHEREAS, these public domain lands, shall be seriously considered for status other than as an unlawful bombing target.

NOW THEREFORE BE IT RESOLVED that the Inter-Tribal Council of Nevada adamently endorses and requests that the Department of Defense, the Navy, and Air Force jointly agree to fund a comprehensive programmatic environmental impact statement to be conducted by an independent technical expert committee and that this committee be impaneled under the National Institute of Health or a similar institution of merit and common respect, and

BE IT FURTHER RESOLVED, that a separate environmental impact statement be conducted by an independent consultant, designating the Paiute Tribes as a 'cooperating agency,' addressing the impacts of continuing ordinance drops on Lone Rock, and

BE IT FURTHER RESOLVED, that until completion of the comprehensive programmatic environmental impact statement and the separate environmental impact statement on Lone Rock, that all projects, construction, use of range equipment constructed in anticipation of the site specific (EIS) release must cease entirely, this will prevent furtherance of the ongoing yet unaddressed, harm to the public health and welfare in rural regions of the Western United States.

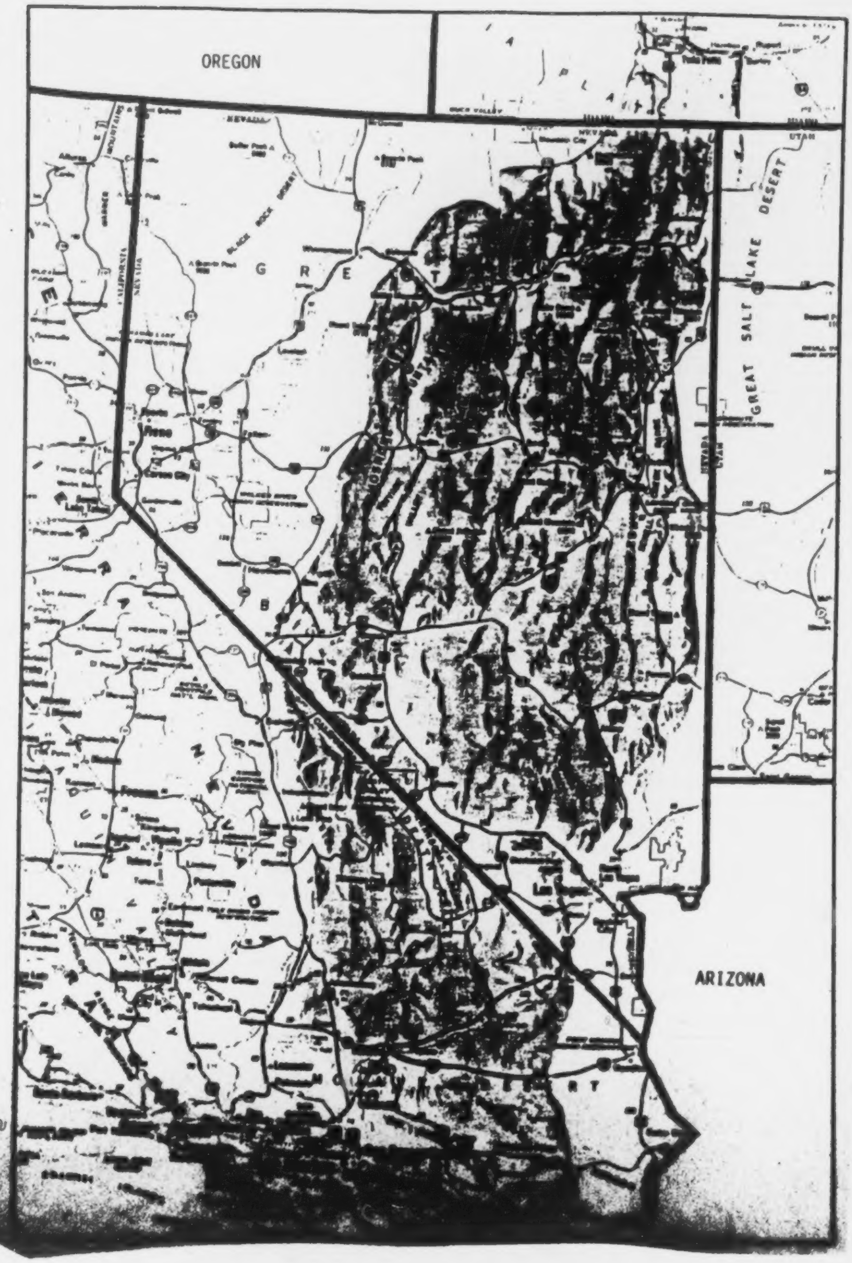
CERTIFICATION

The foregoing resolution was adopted at a duly called meeting of the Inter-Tribal Council of Nevada, held on the 15th day of June, 1985, by a vote of 15 for, 0 against, and 0 abstentions.

Dena Austin

Dena Austin, Secretary
ITCN Executive Board

WESTERN
SHOSHONE
LANDS


OREGON
GREAT SALT LAKE DESERT
UTAH
ARIZONA

WESTERN
SHOSHONE
NATIONAL
COUNCIL

Senator HECHT. Thank you for coming that long distance.

Mr. E.H. Robbins.

STATEMENT OF E.H. ROBBINS, NEVADA CITIZEN ALERT

Mr. ROBBINS. Mr. Chairman, thank you for allowing us to come before you at this time.

I have a map that I would like to show you to illustrate our problems that we have in the State. I would like to make one brief statement prior to this illustration, and that is I was interested when the Army said their lasers would be detrimental to eyes, when they were talking about the New Mexico problem.

As you are probably aware, just south and east of us at Eastgate in Nevada, we had a rancher lose four out of five cows by a high-energy particle beam affair that killed them. The Navy in that area said that they were not responsible, but the only problem is that area is without electricity, so nobody else has that power and capability. So we are a little bit disgusted and afraid of the coming technology that is going to destroy our lives.

Senator HECHT. Come forward. I understand your briefcase was stolen and you will submit for the record your statement.

Mr. ROBBINS. Yes. My briefcase, I think, went north. I am not sure.

As you can see, you are familiar with the great State of Nevada. What we would like to show you is the interconnection and the progress of land and air space withdrawals. The blue area is the Nellis withdrawal, which they are reconstituting here. The blue areas up in here are lands that the military already has in Nevada.

The orange is the new acquisition of the lands, what they're after. Of course, this one is the rather infamous green range that we are all aware of. Bravo 20 is up over here.

Dixie Valley, of course, sits in here; that's where we reside. And the reason we are here is Bravo 20 would seem that anything that happens on this side of the mountains and we being 25 miles away wouldn't have any impact upon us.

We have seismic strips indicating just the opposite. When they bomb on Bravo 20, it shakes our valley. We are one of the largest underground water basins in the entire State of Nevada. When they drop, it shakes it.

We are beginning to lose our wells. They are collapsing our wells. As you know, in the desert environment, water is everything. If we do not have it, we are through. We have brought this to the attention of the Navy. It doesn't seem to be that important to them; they will not look at the situation at all. So this is the first step in the progression of, I would say, the national sacrifice area of the entire United States.

This now shows the air space withdrawals. These are the supersonic operations areas. You can see that is associated with Nellis. This is the supersonic operations area of the Navy. This is the supersonic operations area, again, with the Air Force.

These other areas are listed as military operations areas. These are connected electronically. The Air Force can be scored, tracked, and seen in the Nellis Air Force range—I mean in the Fallon range. All of these can be intertracked all through this area.

So when you are talking about one range, you are, in essence, talking about all ranges. You will be able to see that the skies of Nevada are disappearing. These are training routes throughout the State of Nevada. I did not put them all in because the State would disappear.

I only put the important ones in. These change every 2 months. They vary in altitude anywhere from 100 feet up to 12 to 13,000. They are 6 to 10 miles wide. They cover the entire State of Nevada, and they interconnect every one of these, so that any air outfit can come in and fly in anyone else's range.

This is exactly what the Department of the Air Force and the Department of the Navy would like to have for Nevada. That would take everything away from us. There is a military axiom. And to paraphrase it, it is if you control the air space over your enemy, he loses access to that ground because he cannot move his troops and material upon the ground. In layman's terms it means you have condemned him.

We urge you not to condemn the State of Nevada. It is not a sacrifice area. We are not sacrificial people. And if I may be blunt, we are damn sick and tired of being run over.

Thank you.

[The prepared statement of Mr. Robbins follows:]

DUE TO CIRCUMSTANCES BEYONG HIS CONTROL -- HIS BRIEFCASE WAS STOLEN -- E.H. ROBBINS IS SUBMITTING COPIES OF HIS TESTIMONY ON H.R. 4351 TO THIS SENATE SUBCOMMITTEE FOR THE HEARING ON S. 2412. ALTHOUGH REFERENCES ARE MADE TO THE OTHER BILL, MANY OF HIS CONCERNS ARE PERTINENT TO S. 2412. HE WILL ELABORATE HIS POINTS IN HIS ORAL TESTIMONY AND SUBMIT TESTIMONY ON S. 2412 FOR THE RECORD AT A LATER AGREED UPON DATE.

STATEMENT OF

E.H. Robbins

Nevada Citizen Alert

Before the

Subcommittee on Military Installations and Facilities

Committee on Armed Services

July 16, 1986

Mr. Chairman and members of the subcommittee:

My name is E.H. Robbins; I am a concerned resident of Dixie Valley, in the great state of Nevada. I am here to give testimony on two bills that are before you today to withdraw certain public lands for military purposes called "Nevada Military Lands Withdrawal Act of 1986". I am here to speak on the issue of Bravo-20 Bombing Range and those activities of Department of Defense, U.S. Navy that relate to and have a direct impact on the people, quality of life and the land in Dixie Valley.

First, let me start by giving you what NAS, Fallon is and what it comprises:

1. Integrated Air Warfare Training Complex. Mission: It is a major air to ground weapons delivery training center for all air units, special weapons delivery and enemy evasion tactics.

2. The Main Station comprises approximately 12 square miles of land, the associated ranges comprising approximately 174 square miles of land, the Supersonic Operations Area(SOA) taking 5,700 square miles of central Nevada airspace; associated Military Operations Areas (MOA) and the ever expanding Tactical Air Crew Training Systems (TACTS) sights.

The purpose of this complex is for future training operations which require even greater flight speeds at equivalent or lower altitudes in order to match pilot proficiency with aircraft capability.

Bravo 20 is an integral part of the training complex at NAS Fallon, so if the discussion is about any aspect of training, with any of the ranges, MOAs, SOA; in fact, you are still talking about the same complex and its mission. They can not be segregated.

There has been no consideration by the Department of Defense for people or property under or near the training areas. For example, on June 20, 1986, the crash of the F-14 Tomcat in Dixie Valley, 3,659 feet from an occupied dwelling; the bombing on Bravo 20 which shakes the valley and is causing some wells to collapse; over 400 sonic booms in less than four years; over 140 sonic booms since the Record of Decision (ROD) signed by John Lehman stating there would be no supersonic flights over Dixie Valley for a period of one year starting June 24, 1985. Rules and regulations are broken on a daily basis with immunity to the law and the consequences of those actions.

Bravo 20 comprises approximately 21,576 acres,of which 13,000 acres are designated as a "security zone". The bill does not address the definition of security, leaving it up to the Secretarys of the Interior and Navy to "specify the uses to which such 'security zone' lands are expected to be put." The bill also states that "no bombing or missile firing activities having an impact on the surface, until at least 90 days after transmission to Congress and the Governor of Nevada." The terminology seems to imply, and based on past performances of the Navy, it has all the earmarks of a bombing range expansion. We need a clear and concise definition of "security" and its proposed use.

This bill addresses the use of prior studies to complete a comprehensive environmental impact statement for future planning by the Department of Defense. The problem being that past environmental impact statements by the DOD have used improper methodology for projecting impacts for proposals and in many instances were arbitray and capricious in nature.

As I have stated before, there are areas of disagreement between the people of Dixie Valley and the content of this bill, but overall we would like to thank and applaud this committee and all those who worked so diligently to come up with this compromise bill. We will support this bill if we can get a clarification on those points raised.

Senator HECHT. Thank you.
Mr. ROBBINS. Thank you.
Senator HECHT. Mrs. Robbins.

STATEMENT OF RUTH ROBBINS, COFOUNDER, MOTHERS AGAINST MILITARY ARROGANCE

Mrs. ROBBINS. Mr. Chairman and honorable members of this committee, my name is Ruth Robbins, and I am from the National Sacrifice Area Called Nevada. And I am the cofounder of MAMA, Mothers Against Military Arrogance.

We believe that all rural people are entitled to a decent quality of life. We believe that the U.S. Military Services must abide by the same laws as all citizens and must not be above the laws of the land.

Up to now, environmental impact statements on military land and air withdrawals in Nevada are deeply flawed, the terms of the studies incomplete, outdated, and self-serving. In the case of the Navy, the interpretation of the scientific data is distorted, misleading, and heavily biased in favor of the Navy's project, regardless of the potential public health hazards.

In reference to the draft environmental assessment on Bravo 20, it did not discuss the Paiute National religious significance of Lone Rock, which is on the Bravo 20 range. The sonic booms and low flights will affect the public and private land, causing them to become worthless, and will produce inverse condemnation of valuable agricultural and grazing lands.

With regard to the Bravo 20 bombing range withdrawal as proposed in S. 2412, we understand that activities will be confined to approximately 8,000 acres of this range itself and will not include the buffer or security zone. Will this withdrawal include the privately owned land of mine claims in surrounding Bravo 20?

How will this affect the community of Dixie Valley? The bombs that are dropped on Bravo 20 are already rattling the windows, collapsing some of our wells, and most of the time these planes fly over our homes in route to Bravo 20 to drop their bombs. These flights give us great fear and the feeling that we live in a war zone.

In essence, the community of Dixie Valley and the State of Nevada have been given a death sentence already because of the Navy's supersonic activity, and we must put up with the Bravo 20 project.

Were this passage through our property on the land's surface, they would have to request an issuance of all easements and rights of way; but no one has bothered to ask the residents of Dixie Valley community for this easement over our homes for the same type of military activity.

There are health hazards and the Department of Defense should take more consideration of the potential damage done to the American citizen that lives under the military's projects.

Pentagon policy suggests that conducting this training in areas of low population concentrations, safety can be better assured for the aircrews and the public, and the disturbances to large numbers of people are significantly reduced. In other words, it is OK to do to a few what would be intolerable to many. Consequently, rural Americans are sacrificed.

If this kind of activity is necessary, then the Department of Defense related services and this committee must realize that it must not do experimental games over any residents of Nevada, whether rural or urban. We wish this could be done where it would not affect or threaten one American's life.

The military's project in Senate bill 2412 does have a devastating impact on Nevadans' lives, and they make the sacrifice.

The freedoms of this Nation go hand in hand with the duties and responsibilities that enliven a true democracy. This country, with its institutions, belongs to the people who inhabit it.

In closing, we urge the committee to take whatever time is necessary to come up with a satisfactory solution to halt the abuse done by the Department of Defense in our area.

This bill is not an adequate approach toward a solution. To begin with, each State in the bill must be broken out and examined separately. Nevadans will be willing to work in this process, so that the people can again have life, liberty, and the pursuit of happiness that we believe is guaranteed by our Constitution.

Thank you.

[The prepared statement of Mrs. Robbins follows, addendum has been retained in subcommittee files:]

P.O. Box 5391
Reno, Nevada 89513

MAMA INTERNATIONAL
Mothers Against Military Arrogance

STATEMENT OF

RUTH ROBBINS

MOTHERS AGAINST MILITARY ARROGANCE

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS,

RESERVED WATER AND

RESOURCE CONSERVATION

COMMITTEE ON ENERGY AND
NATURAL RESOURCES

U.S. SENATE

July 17, 1986

Mr. Chairman and Honorable Members of This Committee:

My name is Ruth Robbins, I am from the National Sacrifice Area Called Nevada. I am Co-founder of MAMAs, "Mothers Against Military Arrogance".

We believe that all rural people are entitled to a decent quality of life.

We believe that the United States Military Services must abide by the same laws as all citizens and must not be above the laws of the land.

Up to now, Environmental Impact Statements on military land and air withdrawals in Nevada are deeply flawed, the terms of the studies incomplete, outdated, and self-serving. In the case of the Navy, the interpretation of scientific data is distorted, misleading and heavily biased in favor of the Navy's project, regardless of potential public health hazards.

In reference to the draft environmental assessment on Bravo 20 it did not discuss the Paiute National religious significance of Lone Rock, which is on the Bravo 20 Range. The sonic booms and low-flights will effect the public and private land, causing them to become worthless, and will produce inverse condemnation of valuable agricultural and grazing lands.

With regard to the Bravo 20 bombing range withdrawal, as proposed in S. 2412, we understand that activities will be confined to approximately 8,000 acres of the range itself and will not include the buffer or security zone. Will this withdrawal include the privately owned land or mine claims in and surrounding Bravo 20?

How will this affect the Community of Dixie Valley? The bombs that are dropped on Bravo 20 are already rattling the windows and walls, collapsing some of our wells and most of the time these planes fly over our homes in route to Bravo 20 to drop their bombs. These flights give us great fear, and the feeling that we live in a war zone. In essence, the community of Dixie Valley and the State of Nevada have been given a Death Sentence already because of the Navy's supersonic activity, and now we must put up with the Bravo 20 project. Were this passage through our property on the land's surface, they would have to request an issuance of all easements and right of way, but no one has bothered to ask the residents of the Dixie Valley community for this easement over our homes for the same type of military activity. There are health hazards and the Department of Defense should take more consideration of the potential damage done to the American citizen that lives under the military's projects. Pentagon policy suggests that conducting this training in areas of lower population concentrations, safety can be better assured for the aircrews and the public, and "the disturbances to large numbers of people are significantly reduced." In other words, it's OK to do to a few what would be intolerable to the many. Consequently, rural Americans are sacrificed.

If this kind of activity is necessary then the Department of Defense related services and this Committee must realize that it must not do experimental games over any residents of Nevada whether rural or urban. We wish this could be done where it would not effect or threaten one American citizens' life.

The military's project in Senate Bill 2412 does have a devastating impact on many Nevadans' lives and they make the sacrifice.

The freedoms of this nation go hand in hand with the duties and responsibilities that enliven a true democracy. "This country with its institutions, belongs to the people who inhabit it."

In closing, we urge the Committee to take whatever time is necessary to come up with a satisfactory solution to halt the abuse done by the Department of Defense in our area. This bill is not an adequate approach towards a solution. To begin with, each state in the bill must be broken out and examined separately. Nevadans would be willing to work in this process, so that the people can again have life, liberty and the pursuit of happiness that we believe is guaranteed by our Constitution.

Thank you.

Senator **Hecht**. Thank you very much. Again, I want to thank all of you gentlemen from Alaska for traveling such a long distance to testify. Thank you, again. And as I mentioned before, the record will be open for 2 weeks and anything that you might have, any question with the Navy or any other military, please submit it to us.

And thank you, again, for coming.

Panel No. 4, Barbara Beelar, Bill Reffalt, Kathryn Tollerton, Vernita Zilys, Rob Smith, Martin Mellete, and Charles Callison, please come right on up.

Again, let us try and follow the 5-minute rule. Watch the lights. And we will start right off.

The first in line is Barbara Beelar.

STATEMENT OF BARBARA BEELAR, DIRECTOR, RURAL MILITARY ISSUES PROJECT, THE RURAL COALITION

Ms. **Beelar**. Mr. Chairman and members of the committee, my name is Barbara Beelar, director of the Rural Military Issues Project of the Rural Coalition. Thank you for the opportunity to appear and express our concerns on S. 2412.

Briefly, the Rural Coalition is a national alliance of 121 organizations dedicated to the development and implementation of public policies which will benefit rural Americans, especially those who are poor or otherwise disadvantaged.

The project which I direct is working to increase rural Americans' voice in the Pentagon's decisions which affect their lives.

I would like to take a moment to thank the staff of the subcommittee for their work. It is very helpful to small public interest groups, such as ours, and the citizens to have a hearing scheduled planned well in advance. Appreciate that.

We have submitted a 22-page statement for the record.

Senator **Hecht**. It will be a part of the record. I have it in front of me, yes.

Ms. **Beelar**. And I would like to summarize some of the main points.

The basic recommendation is that you do not pass S. 2412 in its present form. It represents a quick fix for a set of issues which needs substantially more investigation. We have had so many questions today, so many new pieces of information, how can we go forward until we get these answers?

There also is an incremental approach, dealing with each parcel as if it existed in a vacuum. As you saw with Mr. Robbins' map, this is a very complex thing. These parcels sit within a lot of other activities. You need to understand.

If we take a look at this in a vacuum, we are neglecting the broader impact of the proposed withdrawals of air, land, natural resources, and water use in each of the States.

Passage of the proposed legislation merely would ratify a legal existing military use. The Engle Act requires a proposal of Congress for land withdrawals.

However, Senator McClure commented, when he introduced the bill:

All public laws, executive orders, and public land orders creating their withdrawal have expired. Military use of the areas involved is continuing without the required statutory approval by Congress.

To prove this act in its present form, it would allow opportunity for such illegal land use by the military in the future. We believe that some penalty should be imposed for past illegal land use by the military and the Engle Act should be revised to make future illegal land use more difficult. We must not just give away these public lands.

While we recognize that some of the broader concerns are beyond the scope of this legislation, we also believe that serious questions arise with respect to S. 2412 itself.

First, there is a question concerning whose lands are being withdrawn. At least two parcels included in S. 2412 are subject to outstanding claims of the Western Shoshone Nation, as you have heard earlier.

Second, the language of the bill speaks of land withdrawal. A number of the parcels will be used as bombing ranges. So to be used, the Defense Department will also need to withdraw airspace above those lands. But airspace withdrawal is within the jurisdiction of the Federal Aviation Administration, therefore not even under consideration today. This separation consideration of land and airspace withdrawal is illogical and prevents comprehensive congressional review.

We would recommend that the Engle Act be amended to include airspace withdrawals in light of these and other numerous unresolved questions detailed by testimony. We urge the committee to consider the following:

One, please split up the bill into separate bills for each State, which would allow for each special situation to be dealt with more focused. It is not a current bill; we cannot look at this under one umbrella. We believe that people on both sides of the issue would support this approach. Citizens will support State-by-State bills because such a process provides them with a better opportunity to become informed and involved.

The Department of Defense, Interior, and Congress should accept a State-by-State approach to avoid problems with legal action in one State, upholding withdrawals elsewhere. Litigation around Bravo 20 might hold hostage all of these land parcels for a considerable period of time. We urge you create a comprehensive planning approach. Public land withdrawal is included in House bill 4351. It approves withdrawal of two parcels in Nevada and in turn requires a comprehensive planning or review process for the entire State of Nevada as a condition for this withdrawal.

This bill may come before the House floor as early as next week, referred over for your consideration promptly thereafter. We urge you to give favorable attention to the planning—comprehensive planning—approach to this bill. We urge you to delete sections in 2412 which permit contaminations of these public lands. Cleanup of sites.

Senator HECHT. Please take about 30 seconds to summarize. Your time is up.

Ms. BEELAR. There is language in the bill which gives permission to contaminate, which allows the military to operate above the laws of our land and, in fact, there is an incentive built into it if these are contaminated, then the lands remain with the military forever.

We finally urge the committee to improve public involvement on this issue. We have a number of specific recommendations.

In conclusion, we understand how complex this issue is. We cannot let the complexities push us into a simplistic quick approach embodied in S. 2412.

Thank you.

[The prepared statement of Ms. Beelar follows:]

Not for Publication Until Released
By the Subcommittee on Public Lands, Reserved Water and Resource Conservation
Committee on Energy and Natural Resources
United States Senate

STATEMENT OF

BARBARA BEELAR
DIRECTOR RURAL MILITARY ISSUES PROJECT
THE RURAL COALITION

ON

S 2412
A BILL "TO WITHDRAW AND RESERVE CERTAIN PUBLIC LANDS"

BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

JULY 17, 1986

Mr. Chairman and members of the Committee, my name is Barbara Beelar and I am Director of the Rural Military Issues Project of the Rural Coalition. I thank you for the opportunity to appear and express the concerns of the Rural Coalition on S 2412.

The Rural Coalition is a national alliance of organizations dedicated to the development and implementation of public policies which will benefit rural Americans, especially those who are poor or otherwise disadvantaged, and their communities. The Coalition has over 120 member organizations working together on issues which include agriculture and food policy, rural employment and job creation, community development, natural resources and the plight of Native Americans. Recently the Rural Coalition created the Rural Military Issues Project to increase rural Americans' voice in the Pentagon's decisions which affect their lives. Initial work of this project has focused on airspace withdrawals and military access to of public and private lands in rural America.

Before I begin the core of our statement, I would like to take a moment to thank the staff of the Subcommittee for their work. It is very helpful to small public interest groups, such as ours, and citizens to have a hearing scheduled planned well in advance. This professional approach has provided us with necessary time to consider the bill before us today.

THE PROBLEM: GAP BETWEEN INTENT AND PRACTICE

The stated purpose of this hearing before the Subcommittee on Public Lands, Reserved Water and Resource Conservation is to hear testimony on the proposed withdrawal by the Department of Defense of public lands in the states of Nevada, Arizona, New Mexico, California and Alaska. The Rural Coalition believes that this bill and current military practices on public lands present a challenge to the intent of Engle Act of 1958. This bill is a test of the parties involved -- the Congress, the Department of Defense , the Congress and the citizens of the United States -- as to whether they intend to uphold this Act of Congress.

The terms of the Engle Act of 1958, an amazingly suscinct document, is: Congress may transfer to the Department of Defense the use (withdraw, reserve and/or restrict) of parcels of 5,000 acres or more of public lands for certain purposes for a specified, temporary period. Upon the expiration of the withdrawal , these public lands revert back to public domain.

The practice, at least in the case of these eight parcels which the military proposes to withdraw and reserve in S 2412, is a very different matter. And, we believe it is this gap between the intent of the law and the reality of practice which is the basis of the problems which we face in this room today.

WHOSE LANDS ARE THESE?

The request for withdrawal of these public lands by the DEpartment of Defense in S 2412 starts with the fundamental assumption that the parcels under question belong the Federal government, are public lands and therefore are administered by the Bureau of Land Management of the Department of Interior. The Rural Coalition sees that there some real problems with looking at the issue this way. Are we just talking about the withdrawal of public lands? Do these lands properly fall under the jurisdiction of the BLM? And, doesn past and current military practices over these lands imply or give permanent military control, not public control over them ?

1. IT IS NOT JUST LANDS BEING WITHDRAWN. The wording of the bill and the consideration of these withdrawals under the Engle Act is misleading. The reality is that we are talking about the withdrawal of both public lands and public airspace. The majority of the parcels under consideration are bombing ranges, meaning that to implement proposed uses of these lands, the various armed services branches will have to acquire withdrawal of public airspace, not just over these lands but between these lands and the air bases where aircraft will be located. So, you can not separate the issue.

Congress is considering withdrawal of certain public lands which it must apporve under the Engle Act. However, to use these lands for the stated purposes, the Department of Defense must also withdraw airspace. Unfortauntely airspace withdrawal is covered by a completely different set of procedures. Airspace is withdrawn from the public domain by approval of the Federal Avaiation Administration. This withdrawal , though completely interdependnet with the proposed land withdrawals, does not required Congressional approval. This separation of jurisdiction does not make sense nor reflect the reality of these issues which emerge from a close consideration of S 2412.

2. UNSETTLED CLAIMS OF NATIVE AMERICANS OVER THESE LANDS. At least is two cases we know of, there remains a prior claim to these lands, claims by Native Americans that these lands are in their trust and are not owned or controlled by the Federal government. One case we know is stilling pending: the Western Shosnoe nation, whose claims include the Nellis Air Force Range in Nevada and the China Lake Naval Weapons Center in California. Currently the Western Shoshone are negotiating in full faith with the Federal government over settlement of their claim; they have yet to receive any monies for their lands.

It is inappropriate and arrogant for the Department of Interior, Bureau of Land Management to allow for withdrawal by the Department of Defense of these lands under Native American claim, claims which are supposed being negotiated by the Bureau of

Indian Affairs of this same agency.

3. HAVE THESE LANDS BECOME PROPERTY OF THE VARIOUS ARMED SEVICES THROUGH THEIR USE OF THESE LANDS?

1. "Possession is 9/10ths of the Law." In all case except one, these parcels have been previously withdrawn by the Department of Defense for military use. As Senator McClure stated in his remarks when he introduced this bill on the Senate floor:

"The lands involved were -- with the exception of the 90,000 acres at Nellis AFB -- all withdrawn for military purposes at one time. However, all public laws, Executive orders, and public lands orders creating their withdrawal have expired. Military use of the areas involved is continuing, without the required statutory approval by Congress. (Congressional Record-Senate, May 6,1986, p S5422.

[We need to correct one, or possibly two, errors in McClure's statement. The "90,000 acres of Nellis AFB" (known as the Groom Range) is not the only parcel which has not previously been withdrawn. (Note: an EIS is being conducted on the Groom Grange section.) The Bravo 20 Bombing Range in Nevada has also never beeen withdrawn, a fact which the Navy now has admitted. Yet the Navy has used this land since World War II and continues to use it. A legal case is currently being heard in Nevada on this issue. (Note: an Environmental Assessment has been completed on Bravo-20.) Finally, we are less certain about the status of a portion of another parcel which possibly may not have been withdrawn. This is a possibly a portion of the China Lake Naval Weapons Center, know as as "Seaside Withdrawal" may be included in this parcel. (BLM Case Record Number CA-15310.) If Seaside is a part of this larger parcel, we believe that it too is a new withdrawal and suspect that no EIS has been completed on this section.]

When did these parcels expired? How long has the military operated without "legal sanction" on these parcels, to-date? The following is our best understanding of expiration dates, drawn from two documents from the Department of Interior : Congressional Record- House of Representatives, February 23, 1984 on HR 4932 , a bill to withdraw Nellis Air Force Range and a letter from Director Buford of the Bureau of Land Management to Representative John Sieberling, dated April 11,1983.)

EXPIRATION OF PREVIOUS WITHDRAWALS:

Parcel Name: MC GREGOR RANGE
Service: Army
Amount of Land Previously Withdrawn: 624,169.02 acres
Expiration of Previous Withdrawal: 8/21/77
Lenght of Military Use without Legal Sanction: 9 years

Parcel Name: NELLIS AIR FORCE RANGE
Service: Air Force
Amount of Land Previously Withdrawn: 2,826,780 acres
Expiration of Previous Withdrawal: 9/15/77
Length of Military Use without Legal Sanction: 9 years

Parcel Name: FORT WAINWRIGHT MANEUVER AREA
Service : Army
Amount of Land Previously Withdrawn: 256,000
Expiration of Previous Withdrawal: 2/26/77
Length of Military Use without Legal Sanction: 9 years

Parcel Name: FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE
Service: Army
Amount of Land Previously Withdrawn: 51,590 acres and 571,995 acres, totaling 623,585 acres.
Expiration of Previous Withdrawal: 9/26/76 and 10/3/76
Length of Military Use without Legal Sanction: 10 years

Parcel Name: LUKE AIR FORCE RANGE
Service: Air Force
Amount of Land Previously Withdrawn: 2,775,695 acres
Expiration of Previous Withdrawal: 8/24/77
Length of Military Use without Legal Sanction: 9 years

Parcel Name: BRAVO-20 BOMBING RANGE
Service: Navy
Amount of Land Previously Withdrawn: Never withdrawn. Used by the Navy since 1943(?)
Length of Military Use without Legal Sanction: 43 years

Parcel Name: CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE
Service : Navy
Amount of Land Previously Withdrawn: 252,126 acres
Expiration of Previous Withdrawal: 9/3/73
Length of Military Use without Legal Sanction: 13 years

Parcel Name: CHINA LAKE NAVAL WEAPONS CENTER
Service : Navy
Amount of Land Previously Withdrawn: [information not available]
Expiration of Previous Withdrawal: [information not available]
Length of Military Use without Legal Sanction: unknown.

In short, the military has used these parcels of lands, without limits from anywhere from 9 years to 43 years. During these periods, the public has been denied rightful access to these lands by the military, suffering a range of recreation and economic losses as a direct result of this illegal invasion. At point, will this continuing use become legal possession? Who would stop the military use of these parcels? When?

2. "We don't want them, they're contaminated." The administrative policy of the Department of Interior, Bureau of Land Management

not to reject relinquishment of previous withdrawn public lands which the Secretary determines to be too contaminated for further public use. Section 6(c) of this bill reitierates what we believe to be Department of Interior policy:

> "If, because of their comtaminated state, the Secretary of the Interior declines to accept jurisdiction over the lands proposed for relinquishment, the withdrawal and reservation established by this Act shall continue indefintely . . . "

A question clearly then surfaces: If the Department of Defense were decided today to not request further withdrawals of these lands, would the Secretary of Interior refuse to accept their return to the public domain because of their contaminated state. We believe that substantial portions of these parcels are already so contaminated that the Secretary would not accept jurisdiction. So, according to this Act, the withdrawal by the military would "continue indefinitely". Establishing a pretty solid case for military control of these lands today.

3. Assertion of Control. The at least two instances that we know of, the military has just asserted their control over these public lands, without Congressional approval or Department of Interior objection. We have already referred to the now infamous case of Bravo 20 Bombing Range, where the Navy has operated for 43 years without legal sanction.

A more recent take-over of public lands was in the Groom Range section of Nevada, on the border of the Nellis Air Force Range. The brief exchange between Representative Sieberling and Jack Rittenhouse from the AIr Force in the House hearing on the GRoom RAnge withdrawal describes the situation:

"Mr. Sieberling: Is it true that the Air Force has already acted to restrict public use of the Groom Range area?

Mr. Rittenhouse . . . Yes, it is true. We have asserted the right to control the surface access and agress to the extent of requesting people not fo go in and out. We have people posted on the roads and at certain times we do not. We ask their cooperation.

Mr. Sieberling. Under what legal authoirty was that done, that right asserted.

Mr. Rittenhouse. As far as I know, sir, there is none; except the decisions were made at a much , much higher level than mine that they be done.

Mr. Sieberling. There are no higher level than the laws of the United States. "

(Congressional Record- House of Representatives, February 23,1984, pp 213-214.)

Thus, the military, by simply using or posting perimeter guards has denied legal public access to public lands. This is the kind of arrogance and sense of being above the laws of the land which make many rural Americans very, very angry.

4. Perception of Possession. We are all taught in high school

that a good law reflects the mores of society. The social mores or at least perceptions of the key participants in this military withdrawal seem to believe that these lands belong to the military. The military has used them in the past, is using them now, and, I would hazard a guess no one in the room really expects that the Department of Defense will be denied use of most of these lands for as long as they want in the future.

-- Representatives from the Department of Defense complain about having to go through this Congressional review process again and again. Inspite of the fact that the previous withdrawals of these parcels have long ago expired, the military has continued to use these parcels without legal authority.

-- Representatives from the Department of Interior have express a variety of views which also reflects the image that these are really military lands. One perception is the "weak agency orientation" image: an Interior offical said to us: "Well, you can hardly expect one branch of the government to be suing another? Can you? And, anyway you couldn't expect we would get anywhere. The Department of Defense is in a different league than Interior ." Another view reflects a bureaucratic approach: " The Department of Defense has submitted applications for renewal with the Department and thus can continue to use the land while the application is under review."

-- Some Congressional representatives also hold the view that the land belongs to the military, really. Congressional inaction on this bill, and its predecesors, and lack of willingness to place any constraints or deadlines, has permitted the military continued use of the parcels, long after expiration of previous enacted Congressional withdrawals. Further illustration of this view was the motion to attach an amendment to last years Continuing Resolution to withdraw these parcels, suggesting that at least some members of Congress feel that the military should have this land, without full review.

-- Finally, many state and local officals and citizen also seem to share the view that these lands belong to the military. The military has been using the lands as long as they can remember, so, de facto, they must be military lands. There is no questioning of the use or abuse of these lands, unless an incident occurs which brings the issue to the public attention. This orientation, coupled with the usual lack of willingness to challenge the Pentagon, has meant little pressure at the state or local levels which would have made these withdrawals a "hot" political issue.

In sum, there are many reasons for this committee to wonder why S 2412 is currently under consideration. There are many compelling factors that support the argument that these lands to already belong to the Department of Defense. The factors of de-facto possession, contamination preventing return to the public domain, and military procedures to assert control over lands when they determine it necessary, coupled with the widely held perception build a fairly strong persepctive that these lands are already controlled by the military.

TWO OPTIONS FOR CONGRESS: SUPPORT OR UNDERMINE THE ENGLE ACT.

So, it would seem that Congress has two options to use as a basis for framing an approach to evaluate the current proposal from Defense to withdraw certain parcels of public lands.

OPTION 1. TRANSFER THESE PARCELS OF PUBLIC LAND TO THE DEPARTMENT OF DEFENSE. Congress could enact legislation effecting transfer these various parcels of public land to the Department of Defense permanently. Such transfers would completely undermine the current "good faith" negotiation between the Federal government and the Western Shoshone Nation on the latter's claims to some of these lands. Further, transfer would ignore the connection between the use of some of these lands for bombing ranges and the requirement of acquisiton of airspace withdrawal from the FAA for these purposes.

Such action would make some of the participants in this issue happy: Defense would not have to go through this justification of use process; Interior would not have to manage the land, reducing their land management load and costs; and Congressional representatives and staff would not have to spend any more time dealing with this issue. And, state and local officals and citizen who use or care about this land would just have to learn to accept this decision. Discontent of both local officials and citizens would be part of the political costs Congress would have to shoulder.

Clearly Congress would have to work out the details of such a transfer. And, there would be financial costs, costs which would increase the federal budget in a time where this is practically and politically next to impossible. The transfer would have to include adequate compensation to States for reduction of wildlife and recreational purposes. Arrangements to trade unused parcels of federal lands to the state in exchange for these already "damaged goods" could also be negotiated, though it would consume scarce resources and cost money.

OPTION 2. SUPPORT THE ENGLE ACT. Congress can chose to act effectively to support the intent of the Engle Act by asserting the control of the public over these parcels. Congress would have to act to eliminate the bases for the claim that these parcels really do belong to the Defense Department. It would have to move to terminate this interim status of "between withdrawals"; to require and enforce on-going decontamination procedures; and to prevent the military from simply asserting its control over the parcels. And, it would have to move to counteract the prevailing view that these lands really and rightfully already belong to the Department of Defense, particularly by involving citizens and state and local officals.

CONTINUED CONGRESSIONAL INACTION AND PASSAGE OF S 2412 BOTH UNDERMINE THE INTENT OF THE ENGLE ACT.

Inaction, allowing the issue to slide in Congress, is not an option which supports or upholds the Engle Act. This inaction provides on-going basis for the military claim of possession of these lands. It permits the illegal usage, accepts on-going contamination of the land, allows the military to act to assert control of these lands unrestrained and does not to counteract the public perception of military control over these lands.

On the other hand, Congress can not pass S 2412 because such passage would undermine the intent of the Engle Act and possibly other Acts of Congress. S 2412 is a "quick fix" approach which would simply serve to remove this issue for 25 years from Congressional consideration. No where in the legislation are there provisions to address illegal use by military after expiration of a withdrawal. No where are environmental controls over these public parcels. In fact, the reverse is true, language in the bill provides for a substantial loophole on decontamination requirements and transfers the lands to the military "indefinitely" if they are deemed contaminated. Finally, there are no controls included to prevent the military from simply asserting control over public lands. No penalities are included for previous abuses.

THE RURAL COALITION URGES THE CONGRESS TO SUPPORT THE ENGLE ACT AND STOP THE PENTAGON POLICY WHICH HAS DETERMINED RURAL AMERICA TO BE A NATIONAL SACRIFIC ZONE.

The Rural Coalition urges Congress to renew its commitment to enforcement of the Engle Act. We ask you not to pass S 2412. It does not address the issues of whose really controls the land as detailed above. Further, S 2412 does not force resolution nor mechanisms for dialogue around the myriad of issues which it raises. S 2412 is bad legislation; it is a simplistic and inadequate legislative approach to a set of complex issues which affect an aggregate parcel of land the size of Maryland. The central issues here -- civilian control of the military --is a responsibility which our Constitution directs Congress and citizens to take seriously. Rural people who are most aware of the military abuses of these parcels urge Congress to reassert Congressional and civilian control over the military.

The Rural Coalitions finds the idea of the legal or de facto transfer to these parcels to the Department of Defense as unacceptable and a dangerous undermining of civilian control over the military. If Congress were to allow such transfer, what other rural lands might Defense target tomorrow? Rural Americans increasingly feel that the Pentagon has a policy which has declared our air, lands, water and natural resources to be a national sacrifice zone. We simply can not tolerate any further incursions by the military, without being completely convinced of its unique use required for national security.

Rural Americans are patriotic. We support a strong defense and we send our sons and daughter to serve in our country's armed services. Many rural Americans are proud and grateful for the jobs they currently hold or the benefits they receive as a direct result of their involvement in the armed services. But, we are increasingly no longer willing to accept the military abuse of our lands, our skies, our natural resources and our way of live. We are increasingly no longer willing to accept the military arrogance reflected in their reactions to our questions or protest. We see this struggle around the military proposal for withdrawal of these public lands as just one of a growing collection of unacceptable military intrusions in rural America.

We urge the Congress to do the following to reaffirmed its commitment to the Engle Act:

1) Halt continuation of the status quo-- the unsanctioned uses of public lands by the military.

2) Develop mechanisms of review to assure that this Act is implemented as Congress intended, that regulations and administrative procedures governing this Act are consistent with Congressional intent, and other laws and regulations , particularly those involved with enviornmental protection and protection of Native American land claims.

3) Require a open dialogue among the concerned parties -- Defense, Interior, Congress as well as state and local offícals and citizens -- to address and resolve issues which these proposed withdrawals raise. Perhaps Defense and Interior will answer some of our questions today; questions which we could not get answers to through our direct inquiry to these public agencies. But, we all know that the format of a hearing is best for gathering information; it does not promote the kind of open and exploratory dialogue which will bring to rest the numerous questions nor will it generate recommendations which will support the needs of all involved in this issue.

Then, and only then, does the Rural Coalition believe that we could all return to this Subcommittee room to knowledgeable and fully discuss passage of legislation which would cover withdrawal of these public lands by the military.

Let us hasten to address the reactions we anticipate from Defense and Interior: these recommendations are not a tactic to delay consideration of these withdrawals. In fact, we share your frustration that this issue had been lingering too long in limbo. We urge that Congress set processes in motion immediately and establish a deadline for our return to this room which will force us all to come to considered resolution of these issues in a timely manner, hopeful at the beginning of the next session of Congress.

FAILURES OF S 2412 WHICH THE RURAL COALITION URGES CONGRESS TO ADDRESS

The Rural Coalition has five major concerns relating to S 2412. They are: 1) the lack of publically available information about the proposed withdrawals; 2) the lack of answers to the many questions which have been raised previously: 3) the lack of a rational comprehensive planning approach; 4) lack of controls to force the Department of Defense to operate within the law; and 5) lack of any compensation or exchange proposals.

1. The Lack of Publicly Available Information About the Proposed Withdrawals. There are two failures of information dissemination relevant to this legislation.

Inspite of the good work of the Subcommittee staff in arranging this hearing, there is a lack of information about this Congressional review process at the grassroots levels in the states affected. This has created some problems at the hearings themselves. The Pentagon has recently testified at House hearings that there is no local opposition to its proposals. This is just not true. The seeming lack of opposition to the proposed military withdrawals is not due to any lack of interest on the part of local individuals and groups but to the absence of information in the states about what is going on in Washington. This is not a new problem to Capitol Hill, we are sure. But we did feel that it is important to mention since Defense is stating there is no local opposition.

Absence of information about these hearings is only the tip of the iceberg. We have tried to gather basic information about the parcels in questions we have become increasingly frustrated. What we can testify is that it is very difficult to obtain even the most basic information. Calls by Rural Coalition staff to various offices at the Department of Defense and the Department of Interior were met with a classic range of non-responses and run arounds. Most people to whom we were referred did not have answers to our questions, and those who may have had them failed to reveal them to us.

We want to emphasize that the information we were seeking in neither technical nor threatening the national security. Case in point: we wanted maps of the eight parcels. The bill states that the parcels are "generally depicted on a map entitled (name of the parcel)." We have yet to find any map commonly available to citizens which clearly shows all of the proposed withdrawal sites. So, how can citizens in the impacted states understand the boundaries and various issues which are associated with adjacent lands as well as joint use proposals?

Finally, one person in Interior did invited us to come down to look at the maps which they were preparing for their presentation today before this Subcommittee. But, they would not give us a copy of these maps. We were reassure by this Interior spokesperson that after the passage of the legislation, as stated in Section 2, maps will be available in various public places, "as soon as practicable after the date of enactment of this Act." This after-the-fact posting procedure is just one illustration of how citizens are denied access to basic information.

Absence of adequate information seems to be a theme associated with proposals for military withdrawals of public lands. In the August 8, 1984, Senate hearings on very similiar legislation (S 2657 through S2662), various state officals and Congressmen asked that no action be taken on the proposed legislation because they had been unable to obtain needed information from the Departments of Defense and Interior. Congressional staff have also expressesd their frustration at efforts to obtain the information they have needed to work on this issue.

If Congressmen, their staff, state officials and the Rural Coalition staff have problems obtaining information on these proposed withdrawals from Defense and Interior, how can we expect citizens in these states to participate in any constructive way in this discussion?

2. Lack of Answers to the Many Questions Raised. There are a myraid of questions which are raised in the proposed legislation and scattered throughout the hearings records of previous considerations of these withdrawals. We need answers to these questions. Even if representatives of Defense and Interior answer all of the outstanding questions in their testimony today, this is hardly context in which we could expect instance response by citizens.

The following is a brief listing of some of the questions which the Rural Coalition has about the proposed legislation which we feel we need answers before making recommendations to our membership about this bill. Also, we believe these questions should be answered before Congress makes its decision.

1. Have all the lands included in all these parcels been previously withdrawn by the Deparment of Defense? What is the current status of Navy use of Bravo-20 Bombing Range and under what conditions will the Navy reassume its use of this parcel? Regarding the China Lake Naval Weapons Center, is there a new parcel called "Seaside" which has been incorporated into this previous withdrawal? Though no directly related to this bill, it would be helpful to determine the status of other expired military withdrawals, including

a. Cuddleback Lake Air Force Range, California. 7,546 acres. Previous withdrawal expired 6/21/78.

b. Salton Sea Test Base, California. 20,567 acres.

Previous withdrawal expired 4/13/81.

c. Mojave "B" Aerial Gun Range, California. 312,659 acres. Previous withdrawal expired: 10/29/78.

d. Luke Williams Aerial Gun Range, location ?. 502,000 acres. Previous withdrawal exipred: 8/24/77.)

2. What were the conditions of the previous withdrawals? Under what Federal act were they withdrawn and for what specified purposes? What joint uses were implemented and denied? What inter-agency agreements existed? Have there been complaints, legal suits or other indications of dissatisfcation with the management or use of these lands or broader impacts of military use in the state? When did the previously withdrawals expire? How has the military been using the land since the expiration of withdrawal?

3. Have there been Environmental Impact Statements conducted on all the lands included in all the parcels? In which cases was only an Environmental Assessment conducted? Are all these withdrawals considered to be "major federal actions" as defined in the National Environmental Protection Act? When were these environmental reviews conducted? Have citizen concerns and complaints expressed in the public hearings required by the EIS process been fully addressed?

4. What pollution control and decontamination activities are taking place on an on-going basis? As these activities consistent with the intent of NEPA? What mechanisms is the Department of Interior using to oversee these efforts?

5. Does the Department of Defense really need every square acre of every parcel they proposed to withdraw? Or, is it not more the case, that they are used to having access to this land, therefore they feel they need it? Conversely, at least in the case of the proposed withdrawal of Fort Wainwright, is the amount of land request going to be sufficient in the immediate future when the Army locates its light infantry division there? What are the justifications for inclusion of the two wildlife refuges in the Nellis and Luke parcels?

6. How does the Department of Defense plan to obtain the water they claimed in the 1984 hearings was essential for operations of the parcels in New Mexico and Alaska? Is the Department of Defense operating under the assumption that the recent Colorado court decision on reservation of waters for wilderness areas will apply to military withdrawals equally? What are plans and what stage of the process are they? What happens if they are not able to acquire water rights through appropriate State procedures? Will they use these land anyway?

7. What is the justification for the 25 year timeframe for withdrawal? How was this figure arrived at? Why shouldn't the Congress give them 1 year, 10 years or 100 years? Why should all the parcels be the same? Why did Defense choose not comply with what seems to be standard procedures, as least implied in the

regulations, that withdrawals "may be made for a period not to exceed 20 years" (43 CFR Ch II, 2310.3-4 (a).

8. How have the branches of the armed services moved to address Congressional concern over maximization of joint use opportunities on these lands? For example, has the Army made steps to increase joint use in New Mexico in response to concerned expressed by the Senator Domenici at the 1984 hearings? Is the Air Force position still against opening up additional sections or of the Nellis Range or expanded the 14 day period for controlled hunting, as Senator Hecht inquired in the 1984 hearings?

9. Why are the two California parcels -- Chocolate Mountain Aerial Gunnery Range and the China Lake Naval Weapons Center -- not included in the House bill currently under consideration (HR 1790)? Why has the Department of Defense not included in both bills action on two other California parcels: 1) Mojave "B"Range (to be withdrawn for Naval use, but a part of which --40,000 acres-- the Navy would make available to the Air Force to replace the previously withdrawn Cuddleback Air Force Range which has been determined to be an inadequate size); and 2) Salton Sea Test Base, which Director Buford estimated in 1983 would be ready for Congressional consideration in 1985?

9. Why is a requirement for the Air Force to conduct a mineral analysis on Luke Air Force Range, which is included in HR 1790 not included in the Senate bill?

3. Absence of a Rational Comprehensive Planning Approach. HR 1790 and S 2412 propose military withdrawals of public lands as if these lands existed in a vacuum. Almost no consideration appears to have been given to how these withdrawals would affect other local military land and air activities or the various civilian activities that would be impacted by the military activities at the state level.

What are other options for use of all or portions of this land, either exclusively or through joint use? No serious plans for alternative uses have been presented by the Department of Interior. On the contrary, the Senate bill gives Interior and the various branches of the armed serivces five years before they must come up with a land use plan and management program for the use and management of the lands withdrawn and reserved by this Act [Section 3 (b)(1)]. Five years might be warranted if these were new withdrawals but hardly seems justified when, in effect, these withdrawals are renewals and we assume such management plans are already in effect.

The following is a preliminary list of question raised in the legislation which suggests the lack of a comprehensive approach and which are of particular concern to citizens in the states affected.

a) How can these parcels, having very different situations and requirements, be fairly dealt with under one omnibus bill? Efforts to unify the approach to these withdrawals will negate the set of special issues Congress must consider for each of these parcels. To name a few:

-- How will the withdrawal of the Fort Wainwright parcel fit in with the plan for the placement of a light infantry division there? Will there be enough land? Will more land be needed? If so, when? What will be the environmental impact of increased land use by this division?

-- Will the current plan to place a "mobil missile system" on the McGregor Range invalidate the language of this proposed withdrawal? Would the Army have to come back to the Subcommittee for request an amendment? What about the validity of the existing EIS in such a situation where use would be substantially changed?

-- What is the status of the Air Force neogitation with the Sheahan family which owns a mine taken under the Groom Range withdrawal, adjacent to the Nellis Air Force Range and deemed necessary to protect the security of activities in this range?

-- Do we adequately protect, as intended by the law, the wildlife refuges of Cabeza Prieta within the Luke Air Force Range and Desert National Wildlife Range within the Nellis Air Force Range ?

-- Do we adequately protest two areas -- in the McGregor Range and the Luke Air Force Range -- which environmental groups are recommending should be set aside as Wilderness Study Areas?

-- What will be the impact on the regions of the military use of water as requested in previous proposal for withdrawal of the McGregor Range in New Mexico and Fort Greely and Fort Wainwright parcels in Alaska?

-- Are mining, grazing, and native American land rights being fully protected in each of appropriate the cases?

-- With respect to the parcels used for bombing practice, can unexploded ordinances and recreational use co-exist?

-- How will the military's possible plan to install a mobil missile system on the McGregor Range impact the land as well as the legality of this withdrawal?

b) How does the proposed use of each of these parcels fit in with other military uses in the same states? Most singificantly, what are the connections bertween the withdrawals for bombing ranges and the airspace withdrawal status, approved by the Federal Aviation Administration? Does the incre-mental approach of S 2412 mean that Congress or the Pentagon will overlook possiblities for cooperative use? For example, what is the inter-relationship of the checkerboard configuration of the Bravo 20 parcel with the Navy's new acquisition of the parcels which complete the checkerboard pattern?

c) Are opportunities for reducing the negative impacts to residents, livestock and wildlife being overlooked?

d) What threats to native American peoples and their lands could be reduced?

e) There is substantial documentation indicating that military use of public lands and airspace has produced unintended impacts on surrounding areas. What steps has the Department of Defense taken to reduce such impacts? What remedies do citizens have if an incident were to cause damage?

The military can not prevent accidents. Nor can they limit these accidents to withdrawn lands. Case in point: the crash last week of the "mystery plane" in Sequoia National Forest. Use of a portion of this very popular park land has been restricted to protect the national security. It seems like planes are falling out of the skies in lots of places in rural America: an Army UH1H helicopter crashed last week in an area half way between the two California parcels under consideration. And, less than a month ago, a C1-11 flying out of Nellis crashed in Dixie Valley, Nevevad. Two Norwegian planes have also recently crashed in international war game maneauvers out of Nellis.

What do we do when military activities on these parcels spill over onto adjoining areas: bombs may be dropped outside the bombing ranges; livestock may be killed in protected sections of a bombing range leased to local ranchers for grazing; mines with legal claims may be bombed; oil spills from aircraft damage may occur in abutting wildlife refuges; and adjoining lands held sacred by native Americans may be destroyed. And there might even be deaths since the parcel in Arizona runs along the border, an area through which the "coyotes" bring undocumented workers from Mexico and Central America.

Any rational planning process would actively and respectfully involve near-by residents, individuals with particular interests in the parcels (such as miners, ranchers and Native Americans), public interest groups who have particular concerns for environmental, wildlife or other relevant issues as well as state and local officials. S 2412 and the procedures which produced this legislation have not incorporated "citizen participation" in the planning process. This is a major shortcoming, suggesting the insensitivity of the military of the impact their actions have on rural peoples' lives.

Further, the incremental, one parcel at a time, approach of S 2412 not provide the Congress, state and local officials or citizens a framework in which to address the full range of questions which the proposed withdrawals raise. It just raises questions, answers to which are needed before a considered judgment on the proposals for withdrawal should be made.

4. Lack of Controls over the Department of Defense There are two ways actions related to the proposed withdrawals manifest the lack of control over the Department of Defense.

a). Continued use by Department of Defense of these parcels would seem to be illegal in a number of areas. While we are not lawyers, it would seem that current use would provide grounds for the following charges: 1)illegal trespass on public lands; and 2) illegal restriction of United States citizens to their right to access to these lands.

The illegality of the Department of Defense use of these lands has been discussed in depth above. We do not accept the Department of Interior approach which allows continued use of the parcels because an application for withdrawal has been submitted. This just does not make sense. The Department of Defense is operating on these lands without legal authority, and the Department of Interior, which is supposed to be managing these parcels in the public trust, are aiding and abetting these illegal activities. The Department of Interior is cooperating with the Department of Defense to restrict public use of public lands.

b. S 2412 also includes questionable language which we believe legal counsel for the subcommittee should be asked to read carefully. It would seem from our layperson's perpsective that these sections are beyond the laws or at least bending them too far.

i. Permission to operate outside NEPA. S 2412 seems to allow the Department of Defense to operate outside of requirements of the National Environmental Protection Act with regard to decontamination of lands. This bill requires the Department of Defense to clean up any area it contaminates only if this is deemed "practicable and economically feasible." There are two problems with this guideline. First is provides the Department of Defense with a loophole , large enough to drive a tank through. Second, it permits the Secretary of Interior ito make this determination. And, as we have testified earlier, it is our observation that some key officals in Interior already perceive that this land is contaminated and not worth anything to anyone else. How rigorous can the Congress expect the Interior to be if this attitude pervails? The language in the bil does not requirement invovlement of either the Environmental Proection Agency nor Congress would have to be consulted, as we read it. In short, Congress would be giving permission to the military to pollute, in direct opposition to the laws of the land.

ii. Illegal incentive to contaminate the public lands. As written, the bill seems to incorporate an incentive for the Pentagon to contaminate these lands extensively. Section 6 (c) states: "If, because of their contaminated state, the

Secretary of Interior declines to accept jurisdiction over the lands proposed for relinquishment, the withdrawal and reservation established by this Act shall continue indefinitely . . .". A Pentagon, weary of Congressional meddling in their affairs, might decide to contaminate these lands fully so that the Interior would decide to relinquish these lands completely. As stated, it seems as if the Secretary would not have to consult with Congress in making such as determination.

iii. Delegation of authority beyond the scope of the Engle Act. In Section 4 (a), the bill gives the Secretary of Interior the authority to allow others to use these withdrawn lands, including "other military departments and agencies of the Department of Defense and the Department of Energy . . ." The Engle Act was drafted to provide for the Department of Defense use of public lands. We believe that the Act established a special relationship among Defense, Interior and Congress. It did not intend that Interior could open this triangle to include other agencies. If this were intended we believe it would have been provided for in the Act.

In sum, the bill under consideration proposes to legalize a series of illegal actions by the Department of Defense and includes a number of doubtful sections governing future use. We would urge the Congress on these grounds alone to not pass this bill.

5. Lack of Penalities, Compensation or Exchange Proposals. Nowhere in the bill is there a section of penalities for the Department of Defense for previous use of these lands . No where in the bill is there a section of remedies to make the Department of Interior assume its full responsibilities under the Engle Act to protect these lands for the public. No where in the bill is there a section which outlines the tasks the Congress will undertake to implements it's oversight responsiblities over the Engle Act and, specifically these withdrawals.

There is another serious omission in the bill, from our perspective: If Congress gives the Department of Defense right to use these lands for another 25 years, it would mean that these parcels will not have been accessible to the public for 60 to 70 years. Several generations of rural people and city people seeking solace in the peace of the rural countryside will have been denied access to over 8.3 million acres of public lands. This is too long a period of use to be approved without some kind of partial compensation to repay U.S. citizens for denial to wildlife and recreational use of these lands.

Congress has the ability to pass legislation to compensation citizens for lack of access to these public lands. The Rural Coalition urges such consideration, no matter what action the Congress takes on this specific bill. Exchanges of federal parcels could be arranged. Or the Federal government could fund an escrow account to be used to purchase private lands to be used by the public, using the Santini-Burton approach. [Note:

Santini-Burton is one example of an existing law which embodies the concept of land exchange that could apply in this situation. Santini-Burton is a two step process. The first step is to sell excess Federal land and deposit the funds in an escrow account. The second step is to approach private landwowners who are willing to sell desireable land to the federal government for cash. The cash for these purposes comes from the escrow account. The Santini-Burton approach allows a consolidation of private and public lands for better land management practices avoiding the frustrating, time-consuming process of trading lands on an equal, fair market price basis.

In the case of the public lands under consideration here, the Federal government would have to fund directly an escrow account amount equal to the value of the lands removed from the public domain. These monies could be used to acquire private property which would be put into the public domain for public use and protection.]

RECOMMENDATION

1. Improve and strengthen the Engle Act with the following amendments:

a. Include airspace withdrawals, of certain size, as withdrawals to be convered under this Act and therefore to be approved by Congress. (Representative Harry Reid from Nevada has draft such a bill and we recommend the Senate consider its approach and language.)

b. Amend the Act to state that all withdrawals which are to be approved by Congress under the this constitute a "major federation action" as defined in the National Environmental Protection Act and must have an Environmental Impact Statement conducted prior to consideration of Congress.

b.1. Require, either in the law or in the regulations, that the EIS to be conducted under this admendment, be conducted by the Government Accounting Office, not by either the Department of Defense or the Department of Interior of their contractors. Previous actions on environmental issues suggest bad faith operations around environmental reviews conducted to date.

c. Review the regulations and administrative procedures for the Engle Act to be sure that they do not conflict with the intent of Congress.

2. Resolve the legal questions surrounding this bill.

a. Determine if there is a conflict between the proposed land withdrawals by Defense and outstanding Native American claims on these lands, paying particular attention to the unsettled claim of the Western Shoshone Nation to the Nellis Air Force Range and the China Lake Naval Weapons Center.

b. Request Legal Counsel to carefully review S 2412, particularly Section 6 which covers relinquishment and decontamination and Section 4 which would allow for delegation of authority to the Department of Energy, a federal agency not specifically mentioned in the Engle Act.

3. Improve public awareness of the proposal by:

a. Holding field hearings in each of the five states in the fall in order to provide opportunities for citizens and state and local officials in these distant states to express their concerns about the withdrawals. Such hearings would allay citizen fears that decisions about their states are being made behind closed doors in Congress.

b. Requiring the field offices of the Bureau of Land Management in the five states as well as the Department of Interior national offices in the District to compile their case records for each of the proposed withdrawals and have these case records easily available to the public. These records should include, at minimum: a detailed map of the proposed withdrawal area and other adjacent lands held by the federal government; public documents on previous military withdrawals of the parcels; all Environmental Assessment and Environmental Impact Statement reports; the expired Memorandum of Understanding between the Department of the Interior and the Department of Defense; other inter-agency Memoranda of Understandings and Agreements; listing of current mining claims and grazing leases; and any written statements or complaints on previous military use.

4. Assign Subcommittee staff to resolve all unanswered questions by:

a. Working with all parties involved, the staff should collect a listing of all unanswered questions. These questions should be referred to the appropriate parties, or parties, for their responses.

b. Circulating a public document of these questions and answers should be made available to all interested parties, included citizens, who have expressed concern.

5. Adopt legislation which requires a rational, comprehensive planning approach by:

a. Dividing S 2412 into 5 bills, one for each of the states involved -- Nevada, New Mexico, Alaska, Arizona and California. This will allow citizens and state and local official increased involvement in this legislation.

b. Drafting a substitute bill which incorporates the positive aspects of HR 4351. In exchange for a short-term, temporary withdrawal, the Department of Defense should be required to conduct a truly comprehensive Environmental Impact Statement review of all military activities in each of the five states. A 5-year period should be allowed for withdrawal and completion of the comprehensive Environmental Impact Statement review.

b. Establishing a requirement that an annual report on all military activities and plans must be submitted to the Governors of the five states and be made available to the public.

c. Creating a requirement for citizen participation component in the development of the management plan for these lands at the Department of Interior.

6. Create mechanisms to assure that the Pentagon operation on public lands remains within the laws of the land by:

a. Establishing an oversight function to: 1) review the various illegal activities of the Department of Defense on public lands, including but not limited to, the issue of Bravo 20, the use of lands after expiration of previous withdrawals, and compliances with other pertinent legislation, including the Engle Act, National Environmental Protection Act and the National Wildlife Refuge Administration Act; 2) make recommendations to assure compliance in the future; and 3) explore possible penalties or other remedies on past illegal actions.

b. Establishing an oversight function to review the Engle Act and the Department of Interior regulations of this Act, with particular focus on the relinquishment, renewal, decontamination and delegation sections. Investigations should be made into the reasons the military has been able to continue use of these parcels, and perhaps others, long after their withdrawals have expired. Changes should be made in the law and the regulations to prevent such abuses from reoccuring in the future.

c. Creating an effective centralized monitoring function over military use of public lands within the Department of Interior, Bureau of Land Management.

7. Explore avenues for remedies, compensation and exchange by:

a. Consulting with legal counsel to determine what action are advised on the continuing unauthorized use of the military of public lands.

b. Demanding a complete status report from the Department of Interior of all parcels which have previously been withdrawn by the military and are still being used as well as actions and timelines to remedy this situation.

c. Reviewing the regulations guiding the Department of Interior, particularly with regard to expiration of withdrawals to determine if they are in keeping with the intent of the Engle Act and making whatever changes are deemed necessary.

d. Contacting citizens and state and local officials about their proposals for compensation and exhange options.

e. Developing proposals for such compensation and exchange options, including legal approaches, methods and costs.

f. Reviewing such compensation and exchange proposals as an integral component of the consideration of the proposed military land withdrawals.

Again, I would like to thank the Subcommittee for the opportunity to testify today on S 2412. This is a complex issue, as the length of this statement suggests. But, we must not let the complexity force us into a "quick fix" approach such as that embodied in passage of S 2412. The underlying principle of civilian control over the military comes from the experience of the founders of our nation and passed on to us through the Constitution. They knew then this issue would not be easy. We know today how right they were. But, just because it's hard does not mean that we allow the press of other business to let use shirk our responsibilities , as citizens and as Congressional representatives.

The Rural Coalition is available to work with Subcommittee staff on this issue further.

Senator HECHT. Thank you very much.
Mr. Bill Reffalt.

STATEMENT OF WILLIAM C. REFFALT, DIRECTOR, NATIONAL WILDLIFE REFUGE PROGRAM, THE WILDERNESS SOCIETY

Mr. REFFALT. Thank you, Mr. Chairman. My name is Bill Reffalt, director, the Wilderness Society's National Wildlife Program. I appreciate the opportunity to present testimony today on behalf of our 160,000 members regarding S. 2412.

As I have previously testified to this committee on a series of bills that would have accomplished essentially the same thing that S. 2412 accomplishes, the environmental, public benefit and safety issues raised in these bills is a major concern to the Wilderness Society and, I believe, others.

I also spoke at the time on the need for detailed area-by-area analyses by the Department of Defense and the Congress and a full opportunity for public comment. Those needs remain imperative today.

We would oppose the bill S. 2412, as it is currently written. There are several features of S. 2412 that give us cause for concern. Among the major concerns, include: The period of the withdrawal; the effects of some of the withdrawals on the management needs, wildlife and visitor use on adjacent national wildlife refuges; decontamination policies and practices on the withdrawals; the outdated and inadequate environmental analyses and evaluations of alternatives for the withdrawals; potential impacts of some of the withdrawals on pending wilderness designations; and the lack of comprehensive environmental analyses and impact statements that describe and analyze all the related land withdrawals and the associated airspace restriction zones that would enable the Congress and the public to better evaluate the need for, impacts from and alternatives to, the military activities that are based on these withdrawals.

A comprehensive EIS, considering the combined regional impacts of the various ground withdrawals and airspace restrictions proposed for each State should be made.

As to the national wildlife refuge involved, two areas have direct impacts on national wildlife refuges. I recommend that the withdrawals be expressly worded to provide for continued operation of these refuges as the primary land withdrawal purposes of the areas.

The current language subordinates refuge status and operations to the broadly stated and undefined national defense purposes of this act and thereby represents an unwarranted change in agency roles and responsibilities.

In the case of both Nellis Air Force Range in Nevada and Luke Air Force/Navy Range in Arizona, there is no justifiable reason to provide the military with new or additional authorities for these activities. In both cases their operations have been conducted since 1940 under the previous withdrawal language, which seems to be adequate to their needs.

Further, as it relates to the Luke Air Force/Navy Range in Arizona, we recommend that the withdrawal on that area be amended to delete the national wildlife refuge from that proposal. The Air Force and Navy have never had and do not now have any on-the-ground operations. They simply utilize the airspace over the refuge.

The public safety requirements and the airspace requirements can be met through a cooperative agreement or memorandum of understanding, as is done in several other national wildlife refuges around the country.

Finally, Mr. Chairman, I would point out that the House committees involved are moving legislation through which takes the individual area-by-area approach that we propose. They are looking at crafting bills that deal with the needs, the ramifications, the roles, and responsibilities of the agencies in each case, and we heartily recommend that and endorse that approach.

Thank you, Mr. Chairman. I'll be happy to answer questions, if there are any.

[The prepared statement of Mr. Reffalt follows:]

THE WILDERNESS SOCIETY

STATEMENT OF WILLIAM C. REFFALT, REPRESENTING THE WILDERNESS SOCIETY, BEFORE THE PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, JULY 17, 1986, REGARDING S.2412, A BILL TO WITHDRAW CERTAIN PUBLIC LANDS FOR USE BY AGENCIES OF THE DEPARTMENT OF DEFENSE.

Mr. Chairman, I am Bill Reffalt, Director of The Wilderness Society's National Wildlife Refuge Program. I appreciate the opportunity to present testimony today on behalf of our 160,000 members regarding S.2412, a Bill that proposes to withdraw over eight million acres of public lands for use by agencies in the Department of Defense.

On August 8, 1984 I testified before this Subcommittee on a series of Bills drafted by the Administration and generally accomplishing much of what S.2412 proposes to accomplish. As I stated then, and it is still our position today, the environmental, public benefit and safety issues raised by these bills are complex and potentially far reaching. I also spoke to the need for detailed area-by-area analyses by the Department of Defense and the Congress and a full opportunity for public comment. That need also remains imperative today.

Major Concerns

There are several features of S.2412 that give cause for our concerns. Among our major concerns are 1) the period of the

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withdrawal, 2) the affects of some of the withdrawals on the management needs, wildlife and visitor use on adjacent National Wildlife Refuges, 3) decontamination policies and practices on the withdrawals, 4) the outdated and inadequate environmental impact analyses and evaluations of alternatives for the withdrawals, 5) the potential impacts of some of the withdrawals on pending wilderness designations and 6) the lack of comprehensive Environmental Impact Statements that describe and analyze all related land withdrawals and the associated airspace restriction zones so that the public and Congress can evaluate the need for, impacts from, and alternatives to the military activities that are based upon these proposed land withdrawals.

For these major reasons we recommend an area-by-area or a state-by-state consideration by this committee, including hearings, review of up-to-date, complete and comprehensive environmental statements and a review of comments made by the public at hearings conducted by the military agencies on their proposed activities associated with any particular withdrawal.

It is also important to recognize the interrelated nature of some of these separate withdrawals. The full effects of these individual actions can only be understood when they are viewed in the context of associated withdrawals and airspace restrictions.

A comprehensive EIS considering the combined regional impacts of the various ground withdrawals and airspace restrictions proposed for each state should be made. Further, we propose that field hearings be held to address statewide concerns.

A good example for the need of a comprhensive EIS is Nevada, military training and weapons development activities directly impact more than 3 million acres of Nevada land. Withdrawn lands are subject to such military uses as bombing, road development, facility construction, and restrictions on the public uses of the area. In addition, air space restrictions imposed for military training cover tens of thousands of square miles of Nevada. They affect public and private resources through the disturbance and physical damage caused by overflight and sonic booms as well as the substantial support activities associated with the flight training.

National Wildlife Refuge Issues

With specific regard to the two areas having direct impacts on National Wildlife Refuges, I recommend that the withdrawals be expressly worded to provide for continued operation of these refuges as the primary land withdrawal purposes of the areas. The current language subordinates refuge status and operations to the broadly stated and undefined "national defense" purposes of this Act and thereby represents an unwarranted change in agency roles and responsibilities.

In the case of both Nellis Air Force Range in Nevada (partially overlaid upon a portion of the Desert National Wildlife Range) and Luke Air Force/Navy Range in Arizona (partially overlaid upon a portion of the Cabeza Prieta National Wildlife Refuge) there is no justifiable reason to provide the military with new or additional authorities for their activities. In both cases the military units have operated since the early 1940's under withdrawals and Memorandums of Understanding that fully meet their needs. Thus, this legislation should not provide a change in responsibility for these refuges that the military has neither needed in the past nor needs to exercise in the future. Further, we recommend that the legislation be amended to remove from the Luke Air Force/Navy Range all lands that are included in the Cabeza Prieta National Wildlife Refuge. Such an action would not change the status quo regarding military activities or use of these lands since the military does not have any on-the-ground activities or operations within the refuge. The military use of airspace over the refuge and the restrictions on public use of the refuge would remain in effect as set forth in the Memorandum of Understanding between the military agencies and the Fish and Wildlife Service. I would also point out that these and other military agencies have several other areas where they have designated Military Operations Areas over National Wildlife Refuges for use of that airspace and have not needed or sought land withdrawals on those refuges. Thus, our recommendation would retain the status quo of military activities at Luke in the airspace over the Cabeza Prieta Refuge and would only remove a land withdrawal that is unnecessary to continue existing military activities.

Pending Wilderness Designations

On another related matter, we recommend that the Subcommittee consider and take action to establish the long pending Wilderness designations for these refuges at the same time these long term military withdrawals are renewed. The wilderness studies conducted by the Fish and Wildlife Service (FWS) and the Presidential recommendations to the Congress in the mid 1970's specifically gave consideration to continued military activities associated with each area and their recommendations were fashioned accordingly. We believe it is appropriate to provide actual wilderness designation at this time and know of no instance where the Wilderness-like management by the FWS over the past decade on these refuges has adversely affected the continuation of the on-going military training missions.

Bravo-20

Since at least 1950, the Navy has used more than 8,900 acres of the proposed Bravo-20 Range for live bombing and weapons delivery exercises. While the question of who actually controls these lands has recently been raised, the Bravo-20 range has been officially segregated from the public lands since 1978 when formal application was made for the withdrawal. The 21,576 acres covered by this bill includes the 8,900 acres previously used and approximately 13,000 acres of adjacent public lands. As explained by the Navy, this expansion of the range is intended to provide a safety buffer-zone around the actual target area.

As part of the withdrawal application, the Navy carried out an environmental assessment, which it completed in 1980. On May 22nd of that year the Navy published its finding of no significant impact for the Bravo-20 withdrawal and thus concluded no environmental impact statement was necessary.

The Bravo-20 environmental assessment examines the withdrawal as an action independent of any other. It assumes that the area will continue to be used as an unmanned weapon range and does not consider any potential physical disturbance of the area except for the continued bombing. In its summary of environmental consequences expected from the withdrawal, the environmental assessment stated:

> If the proposed action [the withdrawal] were implemented, environmental consequences related to physical features would be limited to additional cratering of the playa, continued shattering and spalling of Lone Rock, and a continued build-up of ordinance and target debris on the range.

The record of decision accepting the environmental assessment, which was signed by the Bureau of Land Management Area and District managers, states:

> "...it is understood that the newly withdrawn lands are to be used only as a non-target buffer zone."

If this was the case in 1980, it is no longer. A more recent Navy document that focused its attention on the massive Fallon Supersonic Airspace restrictions includes a section entitled "Range B-20 Improvements". In that section the Navy outlines extensive developments in Bravo-20 to support the other new facilities and activities associated with the air space restrictions. These new developments on Bravo-20 include:

13 miles of new roads, 18-20' wide and elevated on several feet of compacted soil and gravel fill;

5 miles of underground power lines;

2 3 story high control towers;

2 300-foot diameter bullseyes, with timber retaining walls and earth berms;

1 300-foot diameter laser bullseye

5 simulated ships, each consisting of two concrete slabs 190 feet long by 45 feet wide and 5 feet thick;

6 12,000-foot "run-in lines";

1 helicopter landing pad;

1 storage shed;
target illumination facilities;
security and surveillance systems;
36 miles of fencing.

Obviously, these separately proposed actions can not be fully appreciated without looking at their combined affects.

The 1980 environmental assessment for Bravo-20 did not include a cultural resource survey to determine the extent of the archaeological resource in the Range. The EA suggests a high potential for such resources existing in the area, but assumes they will not be affected because no new surface disturbing activities were being proposed. The record of decision for the EA made it clear that before any new activities within the Bravo-20 Range should be allowed a Class III cultural survey must be conducted. We know of no such survey having taken place. One should be completed before this withdrawal is approved.

A major concern of The Wilderness Society is the effect of these new activities on Bureau of Land Management Wilderness Study Areas. The flight training occurring in and around the Bravo-20 Range has a direct impact on these areas as well as additional indirect impacts through the Fallon SOA. After bombing runs in Bravo-20, aircraft often leave the area by heading north and crossing the Stillwater Range WSA disturbing the area's solitude and wildlife. Support facilities for the

Fallon SOA, small solar powered radar and communication equipment, have already been installed within four WSAs in the area. And the Fallon Master Land Withdrawal, which is yet another proposed action in the Bravo-20 area, would encompass more than 23,000 acres of the Job Peak WSA. It is essential that these actions and related activities not be allowed to compromise the existing integrity of Wilderness Study Areas before Congress has an opportunity to consider them for wilderness designation.

We believe this subcommittee should look at the airspace reservations and special designations associated with each of these military training withdrawals. It is obvious to us that each action can have significant negative impact on humans, wildlife and other natural resources. Collectively that impact may be much more serious than indicated by a casual review. We believe the military should be required to write statewide or regional EISs that consider these broader, possibly synergistic, impacts and which details all related military activities to enable a better understanding of the cumulative consequences of these withdrawals.

With airspace reservations alone, there is a need for a broad understanding of the ultimate extent, types of uses, needed exclusions and overall impacts from the accelerating designation of Military Operations Areas (MOAs), Supersonic Operations Areas (SOAs), and possibly Continental Operation Areas.

We believe the Congress should enact legislation similar to the bill introduced by Representative Reid, H.R. 1584 to deal with the ever growing military restrictions on our public resources. In Nevada alone, the military has or is seeking restricted or exclusive use of over 12,000 square miles of airspace, an area larger than the state of Massachusetts. Some of that use threatens human structures and peace of mind, not to mention the wildlife, habitat, archaeological and other resources that can be negatively impacted. As was shown in the Groom Mountain take-over in 1983, the military is capable of unilateral and overbearing actions that threaten public uses and resources on the public lands without notification to the Congress or any other entity. We believe the Congress must exercise its proper oversight and guidance authorities to keep such incidents from happening again, on the ground or in the air.

Culp Canyon Wilderness Study Area

The McGregor Range encompasses the Bureau of Land Management's Culp Canyon wilderness study area (WSA) in its northern reaches. This 10,937 acre area was identified in 1980 by the BLM as a WSA because of its natural setting and its outstanding opportunities for solitude and primitive and unconfined recreation. The unit, which contains prehistoric cultural sites, is remote and rugged. The desert schrub, grass, and pinon-juniper vegetation reportedly supports especially good hunting.

Consistent with the requirements of FLPMA, the BLM in New Mexico is including Culp Canyon in its statewide wilderness study supplemental EIS due to be released in September of this year. We commend the BLM on this initiative.

We recommend that the subcommittee exclude the Culp Canyon WSA from the McGregor Range should it agree to a renewed withdrawal. It is our understanding that Culp Canyon is not directly impacted by the Army's activities, but is part of a secondary buffer zone. Current use of the WSA for recreation and hunting has not interfered with use of the Range by the Army. Additionally, land contiguous to the WSA in the Lincoln National Forest that was once within the Range boundary has been excluded from the withdrawal and is now controlled and managed by the Forest Service, which has a memorandum of understanding with the Army. We see no reason why the Culp Canyon WSA should not be excluded from the McGregor Range and managed by the BLM.

Purposes of Withdrawal

Section 2 reserves the withdrawn lands for training and weapons testing and "for other defense-related purposes." If there are other legitimate uses of the withdrawn lands, the military should be required to identify them. To date, only weapons testing and training needs have been outlined. The withdrawal legislation should not provide for unknown and unlimited discretionary use of the land that neither the Secretary or Congress has reviewed and deemed appropriate.

Grazing on the McGregor Range

Finally, we would like to point out that domestic livestock grazing does occur within the McGregor Range withdrawal. The privilege to graze on these lands is given to the highest bidder at an annual auction. As the subcommittee knows, the administration has recently set the fee for grazing on other federal lands at $1.35 per AUM, citing economic hardship for livestock operators as the rationale for a federal fee that is one-quarter to one-fifth what private landowners charge for comparable forage. Under a competitive bid system, the livestock operators on the McGregor Range have paid up to $11.00 per AUM within the last seven years, while the highest fee charged under the Public Rangelands Improvement Act in the same period was $2.41 per AUM. That many of the livestock operators using McGregor come back year after year is another clear indication that the $1.35 fee for grazing livestock on federal land is an unnecessary subsidy.

Withdrawal Periods and Decontamination Issues

The final two priority items of concern that I will address are 1) length of the withdrawals and 2) decontamination. It is our recommendation that each of these withdrawals be made for the same period of time as the previous withdrawals (in most cases 15 years). Our recommendation is based on the current provisions of the Federal Land Policy and Management Act and our reading of the intent of the Engle Act (72 Stat. 27). In both instances the laws strongly support renewals only for the same duration as the previous withdrawals. Further, we believe it is important that the Congress review these withdrawals and the military activities on a frequent basis to insure that new or enlarged activities, structures, types of management impacts, etc. are justified, appropriate and have the express agreement from the Congress.

These 25-year proposals go well beyond a typical planning horizon for all land management agencies and, as a result, could easily lead to major enlargements or changes in operations that have not had the benefit of careful environmental impact/alternative analyses, public input or Congressional oversight.

The decontamination issue is, like several of the issues above, a matter where we recommend specific language to retain the status quo. Our concern is that the current language could result in an environmentally unacceptable and unwarranted buildup of unexploded military devices rather than continuing the current policies requiring regular, periodic cleanup that are in effect at each installation. We believe that the public and military personnel safety considerations, among other reasons, require diligent decontamination procedures as a routine operation. We strongly believe an on-going, state-of-the-art cleanup program on all these reservations is a sound policy.

Endorsement of Approach taken by House Interior Committee

I would end these brief descriptions of concern by noting that the House Committees have followed a process of looking at individual areas and of crafting bills that consider the unique circumstances, needs, relationships, etc. of each area. We endorse that approach and urge this Committee to follow a similar approach to these large and far-flung military ranges.

Thank you Mr. Chairman, I will be happy to answer questions as time permits.

Senator HECHT. Your entire statement will be made a part of the record.

Ms. Kathryn Tollerton.

STATEMENT OF KATHRYN R. TOLLERTON, WASHINGTON REPRESENTATIVE FOR NATIONAL WILDLIFE REFUGES, DEFENDERS OF WILDLIFE

Ms. TOLLERTON. Thank you, Mr. Chairman. I am Kathryn Tollerton, Washington representative for wildlife refuges at Defenders of Wildlife. Our organization has 80,000 members around the country. We appreciate the opportunity to testify, and my testimony will be devoted to dealing with two of the ranges: the Nellis Air Force Range, of which the Desert Wildlife Refuge in Nevada is a part, and the Luke Air Force Range in Arizona, of which Cabeza Prieta Refuge is a part.

In both cases, these pieces of lands have been national wildlife refuges for a number of years. They are in each case primarily devoted to—that is, created—in order to provide homes in the case of the Desert Refuge for the Nelson bighorn sheep and their ecosystem. In the case of the Cabeza Prieta Refuge, there was the Mexican Desert bighorn sheep. The areas are beautiful, fragile, and unique, and we feel that they continue to need the protection provided and national wildlife refuge status.

We appreciated the full committee chairman's statement that this bill was, quote, one that would be a vehicle for the purposes of introduction and initial committee consideration, end quote. We think there are a number of changes that should be made, related to these two pieces of land that I have mentioned.

In the case of the Desert Refuge, we would urge the committee to adopt the language that appears in the House Bill H.R. 4351, dealing with Nellis withdrawal. This bill, we anticipate, will be reported out of the House Armed Services Committee next week. Briefly, that bill calls for a 10-year withdrawal at the Desert Refuge as opposed to a 25-year withdrawal. And I should stress this is approximately half of the refuge land, about 826,000 acres on the refuge, which is subject to the withdrawal. The remainder of the land is open to the public.

Second, while this withdrawal is in effect, we think there should be an environmental impact statement done that would consider the effect on public health and safety, as well as on wildlife and other uses of land of the operation of the subsonic and supersonic aircraft and other activities over the refuge.

Third, we also suggest that the Department of the Navy conduct a Nevadawide EIS, dealing with the impacts of the military on uses of land and on airspace in the State. Part of this effort would involve looking at discussion and evaluation of possible measures to mitigate the cumulative effects of the use of airspace.

Here I mention airspace because over the open area of Desert Refuge, which is largely the area on the east side running north to south, in the refuge in that area there are hikers—other people who use the refuge for recreation. There is also the most important sheep mountain range called Sheep Mountain, which is the most important range for the bighorn sheep in this State.

It is very traumatic, both for people, as you have heard today, and for wildlife to experience close up the effects of the subsonic and supersonic aircraft. And, indeed, in the case of the desert area, the military is flying within 100 feet of the ground. We believe that these changes would be helpful, both to people in Nevada as well as benefiting the wildlife, and it would improve conservation management and relations between the military and the civilian land management agencies.

In the case of Cabeza Prieta, we make several general suggestions. We think that there should be an EIS done on that refuge. We note there is a University of Arizona document that is a long-term land-use study of the area that could be used. We recommend, finally, that it be designated as wilderness, and that both refuges be cleaned up, be decontaminated.

That concludes my statement. I thank you very much.

[The prepared statement of Ms. Tollerton follows:]

Defenders
OF WILDLIFE

TESTIMONY OF

KATHRYN R. TOLLERTON

WASHINGTON REPRESENTATIVE FOR NATIONAL WILDLIFE REFUGES

DEFENDERS OF WILDLIFE

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER
AND RESOURCE CONSERVATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

JULY 17, 1986

1244 NINETEENTH STREET, NW • WASHINGTON, DC 20036 • (202) 659-9510

Defenders
OF WILDLIFE

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify on S. 2412, the Public Lands Withdrawal and Reservation Bill. I am Kathryn Tollerton, Washington Representative for Wildlife Refuges at Defenders of Wildlife. Defenders is a national, non-profit conservation organization with approximately 80,000 members.

At the outset I want to state that Defenders of Wildlife respects the need of our nation's armed forces for training and testing facilities, including the exclusive use of some lands and airspace. We think that these military requirements can be met while protecting and properly managing our country's federal lands and natural resources.

My testimony today will deal with the provisions for withdrawal of that part of the Nellis Air Force Range which is located within the boundaries of Desert National Wildlife Refuge (NWR), NV.

Approximately 826,000 of the nearly 3 million-acre Nellis Range is located on the Desert NWR. Since before World War II, the armed services have conducted military operations in and around Desert NWR, including bombing and rocket attacks on ground targets, firepower demonstrations, and simulated battle conditions using a wide array of sophisticated electronic devices. These military activities have been carried out under a series of land withdrawals for military purposes. The latest such withdrawal has now expired.

However, Desert is first and foremost a national wildlife refuge, over which the Secretary of the Interior has primary jurisdiction. As you know, the 1.6 million-acre refuge, located in Clark and Lincoln Counties in southern Nevada was establsihed as the Desert Game Range in 1936 and became a National Wildlife Refuge in 1976 when the Fish and Wildlife Service (FWS) assumed full responsibility for the management of the refuge. The primary purpose for creating the refuge was the protection and preservation of resident populations of Nelson's desert bighorn sheep and their ecosystem.

The Secretary of the Interior is guided in entering into agreements with other federal agencies concerning national wildlife refuges by the provisions of the National Wildlife Refuge Administration Act (16 U.S.C. Sec. 668dd, et seq.) to ensure that all activities on a refuge be compatible with the purposes for which that refuge was established. Furthermore, the Secretary is also required to abide by the terms of the Code of Federal Regulations, which reads:

> All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat;... and for the management of wildlife and wildlands to obtain the maximum benefits from these resources. [50 CFR 25.11(b)]

A 1976 Memorandum of Understanding (MOU) between the Department of the Interior and the Department of the Air Force states that Interior has primary jurisdiction over lands within Desert NWR. This MOU does place restrictions on military activities, but also allows liberal use of Desert lands by the Air Force.

Turning to the provisions of S. 2412, we want to express our appreciation for the statement which Senator McClure, the chief sponsor of this bill, made upon its introduction: "We do want to emphasize that this is only a vehicle for the purposes of introduction and initial committee consideration." Furthermore, we want to thank Senator McClure and the co-sponsors of S. 2412 for providing that the Secretary of the Interior would retain primary jurisdiction over the withdrawn area of Desert Refuge. However, Defenders will suggest a number of changes in that part of S. 2412 dealing with Desert NWR. These amendments are contained in the provisions of H.R. 4351 as ordered reported by the House Committee on Interior and Insular Affairs.

In regard to changes in S. 2412, first, we suggest that the withdrawal for Desert Refuge be 10 years instead of 25 years. We believe that during the first eight years of that withdrawal the Air Force in conjunction with the Department of the Interior should prepare an Environmental Impact Statement (EIS) regarding the continuation or renewal of this and any other public land in the state which has been withdrawn for Air Force use after this legislation becomes law.

The EIS should include a discussion and evaluation of the effects on public health and safety in Nevada of the impacts resulting from the operation of subsonic and supersonic aircraft, the use of rockets and missiles, and the armament and high-hazard testing. We think this EIS is needed to assess the impacts of military operations which have been conducted during the last five years since an EIS was conducted. The impact on human use, public safety, the bighorn sheep, and other wildlife should be assessed.

If the EIS is not completed within the eight years, we would suggest that the military withdrawal be terminated within 30 days of the expiration of an eight-year withdrawal. We think this provision would encourage the military to complete their work on the EIS.

Second, we suggest that the Department of the Navy, in coordination with the Department of the Interior, prepare a statewide EIS on the impact of all military uses of land in the state, to assess the impact upon people, private land use, wildlife and its habitat, recreation, and other uses.

In that part of Desert Refuge which is open to the public, the military has sole use of the air space, with planes flying to within 100 feet of the ground. This area of the refuge includes the Sheep Mountain Range, with over 200 acres of the best bighorn sheep habitat in the state, and is used by hikers, backpackers, and horseback riders. In addition to the traumatic effect low flying planes may have on the public, studies have shown that effects of the noise on wildlife can disrupt reproductive habits and survival rates.

Therefore, we recommend that the EIS discuss and evaluate possible measures to mitigate the cumulative effect of the use of airspace over public lands, which is restricted for military use, on the people, land, and wildlife of the state. In preparing this EIS the Secretary of the Navy and the Secretary of the Interior should make maximum use of existing statements by federal agencies pursuant to the National Environmental Policy Act (NEPA).

Finally, in addition to the EIS above, we recommend that the Department of the Defense be asked to give periodic reports, beginning six months after this withdrawal becomes law, to the Congress and to the people of Nevada on the status of Nevada military withdrawals and proposed defense-related uses of airspace over public land.

Eighty-five percent of the land in Nevada is owned by the federal government. Military training and weapons development impact more than 3 million acres of Nevada land. The military has or is seeking restrictions on the use of at least 12,000 square miles of airspace in the state. At the same time the Department of the Interior land managers must protect and manage the federal lands and natural resources in the state under their jurisdiction. The military and civilian agencies must therefore work together to manage this land. We believe that Nevadans, their land, their wildlife, and the nation would benefit from the amendments to the Desert Refuge withdrawal which we have made and that the interests of national defense and environmental conservation can both be served by careful management.

In closing, Mr. Chairman, we also recommend that eight military withdrawals proposed in S. 2412 be considered on a state-by-state basis, in five separate bills. The military withdrawal provisions and the public land management issues are complex, and we think breaking up the withdrawals into five separate bills would provide for a better opportunity to examine these withdrawals.

Thank you for the opportunity to testify. I would be glad to answer any questions you may have.

Defenders
OF WILDLIFE

July 30, 1986

Tony Bevinetto
Subcommittee on Public Lands,
Reserved Water, and Resource
Conservation
Committee on Energy and Natural
Resources
U.S. Senate
Washington, D.C.

Dear Tony:

Enclosed please find Defenders' written statement on that portion of S. 2412 which deals with the withdrawal of most of Cabeza Prieta National Wildlife Refuge (NWR),AZ, which is part of the Luke Air Force Range. Please include this statement in the record of the hearing on S.2412 which I presented when I testified on the bill.

I would like to call your attention to two points concerning my Cabeza Prieta testimony.

First, in my oral statement, I said that a mineral survey of the proposed wilderness area had been conducted and that no significant mineral deposits were found on the refuge. Unfortunately, that statement was wrong. I understand that some investigation of the mineral deposits on the refuge has been undertaken, however. I apologize for this error and ask that the oral statement be corrected if possible. The written statement I am submitting today calls for completing the mineral survey as soon as possible.

Second, I want to call your attention to the reference in my written testimony to the Department of Defense contaminination cleanup program, which could be implemented on Cabeza Prieta NWR. This work can be conducted under the Defense Environmental Restoration Program, administered by the Environmental Policy Office, in the Office of the Assistant Secretary of Defense for Installations and Logistics. The DOD Appropriations Bill funds the program.

Thanks for your cooperation and consideration.

Sincerely,

Kathy Tollerton

Kathryn Tollerton

Enclosure

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CABEZA PRIETA NATIONAL WILDLIFE REFUGE

In addition, S. 2412 provides for withdrawal of that part of the Luke Air Force Range which is located within the boundaries of Cabeza Prieta National Wildlife Refuge (NWR), AZ.

More than 800,000 acres of the nearly 3 million-acre Luke Range is located on the Cabeza Prieta NWR. Since 1941 the armed services have conducted military operations in and around Cabeza Prieta NWR. These miitary activities have been carried out under a series of land withdrawals for military purposes. The latest such withdrawal has now expired.

However, Cabeza Prieta is first and foremost a national wildlife refuge, over which the Secretary of the Interior has primary jurisdiction. As you know, the 860,000-acre refuge, located in southwestern Arizona on the Mexican border was established as the Cabeza Prieta Game Range in 1939 and became a national wildlife refuge in 1975, when the Fish and Wildlife Service (FWS) assumed full responsibility for the management of the refuge. The primary purpose for creating the refuge was the protection and preservation of the desert bighorn sheep. In addition to the desert bighorn, other important species which inhabit the hot, arid mountains and dry lakes of the refuge include the endangered Sonoran pronghorn antelope, Gambel's quail, the kit fox, and the rare Kearney sumac.

The Secretary of the Interior is required in entering into agreements with other federal agencies concerning national wildlife refuges to take account of the provisions of the National Wildlife Refuge Administration Act (16 U.S.C. 668dd, et seq. to ensure that all activities on a refuge are compatible with the purposes for which that refuge was established. Furthermore, the Secretary is also required to abide by the terms of the Code of Federal Regulations, which reads:

> All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands to obtain the maximum benefits from these resources. [50 CFR 25.11(b)]

Our testimony recommends several changes in the terms of the proposed Cabeza Prieta withdrawal.

First, we recommend that the legislation clearly state that the Secretary of the Interior has prime jurisdiction over the management of the area of the refuge that is withdrawn for military purposes.

Second, we recommmend that the Committee not approve renewal of the land withdrawal for military purposes on the refuge. It is our understanding that the Cabeza Prieta section of the Luke Range is used for overflight and turnaround area and that the Air Force and the Navy make no use of the land on the refuge unless they need land access to the refuge in the event of a plane crash or the loss of a towed target. (In making this recommendation we want to stress that we have no objection to the continued military use of air space over the refuge.) Such access can be granted by the Fish and Wildlife Service refuge personnel without the need for a military land withdrawal. If, however, the Committee decides to renew the military land withdrawal, we recommend that the legislation forbid new military on-ground operations on the refuge. We think such language is important to to protect the vegetation and to protect the wildlife, particularly the endangered Sonoran pronghorn antelope.

Third, Defenders urges that S. 2412 be amended to designate as wilderness the acreage recommended for wilderness in 1974 by President Nixon to the Congress and that the mineral survey which President Nixon recommended be conducted before the area was designated wilderness be completed at an early date.

Fourth, as a follow-on to recommendation three, we recommend that the existing segregation of the land from the mining and mineral leasing laws be reaffirmed in this bill in order to protect the surface values of the land.

Fifth, we recommend that the Committee consider requiring the Air Force and the Navy to work in cooperation with the Department of the Interior to prepare an Environmental Impact Statement (EIS) on the military use of land in the refuge and surrounding area, as well as the use of airspace over the refuge and the other parts of the Luke Range and its impact on public safety, land, and vegetation. We think that the long-term land-use study of the Luke Air Force Range that scientists at the University of Arizona will complete later this year would provide the source for much of the information needed for the EIS.

Sixth, we recommend that this bill provide for deactivating the ordnance and for removing it from the refuge. We understand that there is a good deal of live ordnance remaining on the refuge from World War II military operations. This would enable refuge personnel to carry out their duties in the withdrawn areas of the refuge in greater safety and would also remove a risk to wildlife. This work can be conducted under the Defense Environmental Restoration Program, administered by the Environmental Policy Office, in the Office of the Assistant Secretary of Defense for Installations and Logistics.

Finally, we think that the Arizona land withdrawal should be the subject of a separate piece of legislation. The military withdrawal provisions and public land management issues are

Senator HECHT. Thank you very much. Your prepared statement will be part of the record.

Ms. Vernita Zilys.

STATEMENT OF VERNITA ZILYS, ALASKA SECTION, INDIGENOUS SURVIVAL INTERNATIONAL

Ms. ZILYS. Good morning, Mr. Chairman, and members of the Subcommittee on Public Lands, Reserved Water and Resource Conservation. My name is Vernita Zilys. I am here to testify on behalf of the Alaskan section of a group called Indigenous Survival International. We are an organization which represents the native peoples of Alaska, Canada, and Greenland who continue to rely on hunting, fishing, trapping, and gathering wild resources for the major part of our livelihood. We oppose the passage of S. 2412, the so-called Omnibus Land Bill, as it is presently written.

Around the beginning of 1986, I.S.I. met in a small Cree Indian community located in northern Quebec, called Chisasibi. At that time we were told about the concern of the Innu people of Labrador, who are even now protesting the activities of the North Atlantic Treaty Organization or NATO, in traditional Innu hunting and fishing areas.

As I listened to the stories they told of low-level flight testing by the military groups involved, I must admit that my first reaction was, "Thank God we don't have things like that going on in Alaska."

A woman said:

> One time when the jets flew over, I wrapped the baby I was looking after in a blanket. Then I was going to run into the woods, but I stayed in the tent and I felt scared. We couldn't put up our tent in open areas because the planes might spot us and fly over more often. I have to plug the children's ears because they might get them damaged. It's the same thing at nighttime; the jets are still flying.

In Chisasibi we also heard of children jumping out of canoes into the water in their panic, children who couldn't swim, but who wanted to escape the terrifying sounds made by sonic booms. We heard of increased hearing problems, the flight of the wildlife that the Innu depend on for food, anxiety, psychological problems, and perhaps most disturbing to me, the lack of response or sympathy from either the military or the Canadian Government.

I returned to Anchorage only to see a story in an Anchorage paper less than 2 weeks later: "The Hog Farmer and the Air Force." Herb Simon said the low-level flights near his Nelchina hog farm caused the deaths of over 50 of the animals he used to make a living, albeit a livelihood much different from the Innu. I watched the story in the papers for a while until I read that the Air Force had called off its maneuvers and I relaxed.

It was with a sense of disbelief, therefore, that I received a telephone call not 10 days ago about the legislation you are reviewing today. In the work I do, I receive literally dozens of requests to comment on legislation about proposed Federal and State rulemaking that affects fish, wildlife, mineral development, subsistence, offshore oil drilling, migratory birds, marine mammals. And yet I had not heard about S. 2412 or H.R. 1790.

Ten days is not much time, but I have done my homework now. I have read an exchange of letters between Alaska's governor and the head of the Alaskan Air Command. I have learned more about Herb Simon and discovered that he and I took diametrically opposite positions on our recent statewide battle for the right of people who live off the land to continue to be protected in law.

I have visited the Bureau of Land Management and read the case file abstract for the land proposed to be withdrawn and I have spoken to people I know who live near the areas the military have used in the past.

One of the people I spoke to heads a native regional corporation in Interior Alaska. He did not know about the proposed land withdrawals. He asked me if they were in addition to land already in use by the military for munitions testing. He told me people cannot use those areas in the summer because if they step in the wrong place, they will lose a foot or worse.

He said people sometimes go on the land there in the wintertime, but only after the snow has fallen deep enough, to make sure they do not set off unexploded ordinances.

I saw the forms 813 and 814 that the Alaskan Air Command——

Senator HECHT. Excuse me. Your time is up and I see you are about half done. We will put your entire statement into the record. But if you want to summarize in 30 seconds, I will give you that opportunity.

Ms. ZILYS. Thank you. I would like to say that I would like to see H.R. 1790 split up so that the different states are treated separately. I do not want to see kind of a blanket legislation to cover areas that are very different.

As I mentioned earlier, the people in Alaska and many of them in rural areas especially, devote their lives to the subsistence economy rather than the cash economy. We have to take these things into consideration. And I do not want to see the same things that have happened in Nevada begin to happen in Alaska.

Thank you.

[The prepared statement of Ms. Zilys follows:]

TESTIMONY BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES - THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION.

Presented by Vernita Zilys, Staff to Indigenous Survival International - Alaska

July 17, 1986

Good afternoon, Mr. Chairman and Members of the Subcommittee on Public Lands, Reserved Water and Resource Conservation. My name is Vernita Zilys. I am here to speak on behalf of the Alaskan section of Indigenous Survival International. I.S.I. is an organization which represents the Native peoples of Alaska, Canada Greenland who continue to rely on hunting, fishing, trapping and gathering wild resources for the major part of their livelihoods. We oppose the passage of S.2412, the so-called "Omnibus Land Bill", as it is presently written.

Around the beginning of 1986, I.S.I. met in a small Cree Indian community located in Northern Quebec, called Chisasibi. At that time we were told about the concern of the Innu people of Labrador, who are even now protesting the activities of the North Atlantic Treaty Organization, or "NATO", in traditional Innu hunting and fishing areas. As I listened to the stories they told of low-level flight testing by the military groups involved, I must admit that my first reaction was, "Thank God we don't have things like that going on in Alaska!"

A woman said, "One time when the jets flew over, I wrapped the baby I was looking after in a blanket. Then I was going to run into the woods but I stayed in the tent and I felt scared. We couldn't put up our tent in open areas because the planes might spot us and fly over more often. I have to plug the children's ears because they might get them damaged. It's the same thing at nighttime - the jets are still flying."

We also heard of children jumping out of canoes into the water in their panic, children who couldn't swim, but who wanted to escape the terrifying sounds made by sonic booms. We heard of increased hearing problems, the flight of wildlife the Innu depended upon for food, anxiety, psychological problems and perhaps most disturbing to me, the lack of response or sympathy from either the military or the government.

I returned to Anchorage only to see a story in an Anchorage paper less than two weeks later: "The Hog Farmer and the Air Force." Herb Simon said the low level flights near his Nelchina hog farm caused the deaths of over fifty of the animals HE used to make a living - albeit a livelihood much different from the Innu. I watched the story for a while until I read the Air Force had called off its maneuvers and I relaxed.

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Ten days is not much time, but I have done my homework now. I have read an exchange of letters between Alaska's governor and the head of the Alaskan Air Command. I have learned more about Herb Simon and discovered that he and I took diametrically opposite positions on our recent statewide battle for the right of people who live off the land to continue to be protected in law. I have visited the Bureau of Land Management and read the case file abstract for the land proposed to be withdrawn from the Department of the Interior by the military in Alaska. I have spoken to people I know who live near the areas the military have used in the past.

One of the people I spoke to heads a Native regional corporation in Interior Alaska. He did not know about the proposed land withdrawals. He asked me if they were in addition to land already in use by the military for munitions testing - he told me people cannot use those areas because if they step in the wrong place in the summertime, they will lose a foot or worse. He said people sometimes go on the land there in the wintertime, but only after the snow has fallen deep enough to make sure they don't set off unexploded ordinances.

I saw the Forms 813 and 814 that the Alaskan Air Command completed - forms which MUST be completed well before low-level flight maneuvers can be conducted. On the form an "X" was used to indicate the effect the flying operations they proposed would have on certain "attributes", such as undisturbed natural areas, game animals and fish, land use, aesthetics, etc. Four columns to be "X'd" or left blank would indicate a Positive Effect, No Effect, Adverse Effect, or "Effect Unknown". The majority of the "X's" were in the No Effect column, and included game animals and fish, aesthetics, cultural patterns and health safety.

Yet, in the Environmental Analysis completed the same day as the aforementioned forms 813 and 814, there was a detailed description of the many kinds of game, fish and birds which occupy the land proposed for withdrawal. Mind you, this is not the exact same land - but it is so similar that if a similar analysis was done for the Fort Greeley Maneuver Area, the Fort Greeley Air Drop Zone and the Fort Wainwright Maneuver Area, you would see the importance of the land which is used for habitat by moose, eagles, caribou, swans, sheep - and to the people who use fish and game to live.

Alaska is known for its natural resource assets. We are a state also believed to be generally populated with rugged individualists, people of strong opinions. I have gone hand-to-hand with many of the people in the Interior - people who differ with my opinions on subsistence, resource development, conservation, who should be the next governor - but on this one issue we seem finally to be united: if land is withdrawn from Alaska for military operations, it must be with the strictest regulation to protect the environment, the fish and game we hunt to eat or for sport or to photograph, the resources we wish to develop or leave undeveloped until better means are found, and with assurances that the land can be reclaimed within a reasonable time - NOT only if "practicable and economically feasible".

Mr. Chairman, in Canada the Innu have had to go to great lengths to make themselves heard. In Ottawa in early June, they used high-tech sound equipment to re-create the sound that jet engines make as they are sweeping close to the ground, an unbearable sound - and they had that sound roar out when members of the Parliament came near. I thought of placing a replica of an unexploded ordinance before you today, but decided it must take a great deal of imagination and creativity to run for Congress and so, rather than risk arrest or creating a public nuisance, I would like to as you to use those attributes today.

I have no idea what an unexploded ordinance looks like. Maybe members of the Committee do. If so, imagine we have one or two dozen in this room. As you go about your work, imagine that you do not know when you might run over one and have it go off in your face.

The people of the Interior do not work in Committee rooms to make a living. Many of them run traplines, or hunt in the forests and marshes and tundra for moose, bear, caribou, deer, rabbits, muskrats, beaver, squirrels - in a sense, the land is their office. When you consider allowing the military to withdraw land to practice on, remember that you are considering letting them practice in a land with people on it, people who depend on the land to feed themselves and their children.

Thank you for this opportunity to comment.

Senator HECHT. Thank you very much.

Mr. Rob Smith.

STATEMENT OF ROB SMITH, ASSOCIATE SOUTHWEST REPRESENTATIVE, THE SIERRA CLUB

Mr. SMITH. Mr. Chairman, I would like to summarize, if my written statement——

Senator HECHT. Your written statement will be a matter of record.

Mr. SMITH. My name is Rob Smith. I am associate southwest representative for the Sierra Club in Phoenix, AZ. Today, I am speaking on behalf of the Arizona Wilderness Coalition, of which the Sierra Club is a member. The coalition is comprised of local and national conservation groups and individuals who support preservation of wilderness and wild rivers in Arizona.

In 1964 the Wilderness Act mandated a wilderness study for four national wildlife refuges in Arizona: the Imperial, Havasu, Kofa, and Cabeza Prieta. The Fish and Wildlife Service reported their wilderness recommendations to Congress in the early 1970's, and since then, the agency proposals have awaited congressional action.

Arizona conservationists have advocated wilderness designation for these areas since the initial studies took place.

In 1983 the Arizona Wilderness Coalition presented a far-reaching proposal for protective designations for many of our national forest roadless areas, many of our potential wild rivers, and the four national wildlife refuges.

However, in the 1984 Arizona Wilderness Act, which was led through the Senate by Senators Goldwater and DeConcini, we saw much of our national forest saved and Arizona's first wild and scenic river along the Verde.

However, the refuge proposals remain for another day. We hope this subcommittee will find it timely and appropriate to take a look at wilderness for the Cabeza Prieta as you move forward with consideration of the overlapping military withdrawal of the Luke Air Force Range.

The Cabeza Prieta is a magnificent and virtually unspoiled 860,000-acre expanse of Sonoran desert basin and range. It was proposed at one time, when he was Interior Secretary, by Stewart Udall, as a part of the Sonoran Desert National Park.

Today the Cabeza Prieta's mountains are home to the desert bighorn sheep, while the wide plains in between are habitat for the endangered Sonoran pronghorn.

The history of the Cabeza Prieta shows that environmental interests not only coincide with military interests, but the two have even complemented one another, to a degree. The Cabeza Prieta was established in 1939, 2 years before the gunnery range was created. For most of its existence, the refuge has enjoyed the protection from mining and other destructive developments that the military withdrawals have provided it.

However, these military withdrawals are temporary and do not include all the refuge. About 35,000 acres of the Cabeza Prieta in the southeast corner, is still outside of the military withdrawal area and may be opened to mineral entry after October 20, 1991, when a separate and temporary BLM segregation order expires.

Grazing no longer takes place on the Cabeza Prieta, and public access is allowed when military activities are not occurring. Generally that would be on the weekends.

Luke Air Force Base recently won an international competition among other military bases around the world for their environmental sensitivity and accomplishment, and they are not working on a resource management plan through contract with a team of specialists from the University of Arizona. We understand that the Air Force contemplates no ground activities in the foreseeable future within the refuge boundaries.

During the last several months, Arizona conservationists have had informal discussions with Luke Air Force Base personnel, the Border Patrol, Fish and Wildlife Service and some hunting interests, and we believe that a successful resolution of the wilderness issue at Cabeza Prieta is quite possible.

In our view, the current use of the area by the military, which is confined to the airspace above the refuge, can continue as it exists now. The Wilderness Act, agency regulations, and clarifications of wilderness management made by Congress all provide flexibility and guidance that would allow the continuation of Border Patrol activities and wildlife management activities.

In short, we think wilderness designation would help guarantee that the area remain as it is now, which is a goal that is shared by many varied interests.

We believe review of the Luke withdrawals provides an opportunity to resolve several issues. Our proposal is in our statement. We would like to see about 79,000 acres in the Tinajas Altas added on the far west side of the refuge. And we would like to see a withdrawal to protect the surface be made for the entire refuge.

We also have a proposal for wilderness, and we would be happy to work with the members of this subcommittee as we move forward, if that is a possibility. And we hope that it is.

[The prepared statement of Mr. Smith follows:]

SIERRA CLUB
330 Pennsylvania Avenue, S.E., Washington, D.C. 20003 (202) 547-1141

STATEMENT OF ROB SMITH

FOR

THE SIERRA CLUB AND ARIZONA WILDERNESS COALITION

ON S. 2412

BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS,

RESERVED WATER AND RESOURCE CONSERVATION

WASHINGTON, D. C.

JULY 17, 1986

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*
National Headquarters: 730 Polk Street, San Francisco, California 94109 (415) 776-2211

My name is Rob Smith and I am Associate Southwest Representative for the Sierra Club in Phoenix, Arizona. I am speaking today on behalf of the Arizona Wilderness Coalition, of which the Sierra Club is a member. The Arizona Wilderness Coalition is comprised of local and national conservation organizations and many individuals who support preservation of deserving wilderness and wild rivers in our state.

The 1964 Wilderness Act mandated wilderness study for four national wildlife refuges in Arizona — the Imperial, Havasu, Kofa and Cabeza Prieta. The Fish and Wildlife Service reported their wilderness recommendations to Congress in the early 1970s. Since then the agency proposals have awaited Congressional action.

Arizona conservationists have advocated wilderness designation for these areas since the initial studies took place. Our proposals have gained the active support of regional and national organizations, too, because these are lands which are visited and treasured by many beyond our state boundaries.

In 1983 the Arizona Wilderness Coalition presented a far-reaching proposal for protective designations for Arizona's national forest roadless areas, wild rivers and national wildlife refuges. In the 1984 Arizona Wilderness Act, thanks to the leadership of Chairman Udall along with the support of Congressman John McCain, we saw much forest wilderness saved and the designation of Arizona's first wild and scenic river corridor along the Verde.

However, the refuge proposals remain to be considered. We hope this Subcommittee will find it timely and appropriate to take a look at wilderness for the Cabeza Prieta as you move forward with consideration of the overlapping military withdrawal for the Luke Air Force Range.

The Cabeza Prieta is a magnificent and virtually unspoiled 860,000-acre expanse of Sonoran desert basin and range. Together with the Organ Pipe Cactus National Monument wilderness on the east, the Cabeza Prieta/Organ Pipe area represents one of the greatest natural ecosystems still existing in the lower 48 states. Under the Johnson Administration then-Interior Secretary and Arizona native Stewart Udall recommended that this combined area be designated as a Sonoran Desert National Park. A 1976 National Park Service report identified the Luke-Cabeza Prieta area as "the best major reserve of unspoiled desert in the Southwest". Within the refuge or close by are three state natural areas and four federal research natural areas. The Department of Interior is considering a proposal for including much of this area in the International Biosphere Reserve Program in combination with Organ Pipe Cactus National Monument and Mexico's Pinacate National Park just across the border. Today the Cabeza Prieta's rugged mountains remain home to desert bighorn sheep while the wide plains between provide habitat for the endangered Sonoran pronghorn.

The history of Cabeza Prieta shows that environmental interests have not only coincided with military interests, but the two have even complemented one another. The Cabeza Prieta was established in 1939, two years before the gunnery range was created. For most of its existence the refuge has enjoyed the protection from mining and other destructive developments that the military withdrawals have provided it. However, these military withdrawals are temporary and don't include all of the refuge. 34,560 acres of the Cabeza Prieta are still outside of the military withdrawal area and may be opened to mineral entry after October 20, 1991, when a separate and temporary BLM segregation order expires. Grazing no longer takes place on Cabeza Prieta, and public access is allowed when military activities are not occurring -- generally the weekends. Luke Air Force Base recently won an international competition among other American military bases for environmental sensitivity and accomplishment, and it is now developing a resource management plan through contract with a team of specialists at the University of Arizona in Tucson. We understand that the Air Force contemplates no ground activities in the forseeable future within refuge boundaries.

During the past several months, Arizona conservationists have had informal discussions with Luke Air Force Base personnel, the Border Patrol, Fish and Wildife Service staff and hunting interests, and we believe that successful resolution of the wilderness issue at Cabeza Prieta is quite possible. In our view, the current use of the area by the military, which is confined to the airspace above the refuge, can continue as it exists now. The Wilderness Act, Fish and Wildlife Service wilderness management regulations and clarifications of wilderness management issues made by Congress all provide the necessary flexibility and guidance to allow for the continuation of existing and appropriate Border Patrol and wildlife management activities. In short, wilderness designation would help guarantee that things remain the same in this special area, a goal many varied interests share.

Ironically, the naturalness of the area was threatened by recent activities of the Fish and Wildlife Service itself. Within the last year, refuge staff authorized the blading of several miles of roads within the agency's proposed wilderness boundaries for the convenience of administrative vehicles — a clear violation of Fish and Wildlife's own wilderness management policies. In several instances, the road blading diverted from the previous two track trail, resulting in even more unnecessary destruction. After conservationists discovered and protested these actions, the agency promised not to repeat these errors. However, the lesson we learned was that until Congress makes a decision regarding the ultimate status of wilderness for this area, the temptation for the agency to relax its administrative protections will always be there.

We believe review of the Luke withdrawals provides an opportunity to resolve several issues that have lingered at Cabeza Prieta for many years. The Arizona Wilderness Coalition proposes that the entire Cabeza Prieta refuge be withdrawn permanently to protect surface values for environmental purposes. The refuge boundaries should be expanded to the west to include 79,000 acres of prime bighorn sheep habitat in the Tinajas Altas Mountains, an area formally proposed by the Fish and Wildlife Service since 1974 for inclusion in the refuge. Also, additional acreage on the northern boundary of the refuge within the Mohawk and Granite mountain ranges, now currently part of Luke Air Force Range, should be considered for addition to the refuge to provide unified wildlife management for the bighorn there. The Coalition proposes that Congress designate the Cabeza Prieta National Wildlife Refuge as a wilderness area, with public use road corridors along the Camino del Diablo, Tule Well and Charlie Bell Well roads as well as a few other spots where the roads are well-established and regularly maintained.

We very much appreciate this opportunity to bring this proposal before the Subcommittee as an item of very deserving yet still unfinished business. We stand ready to help in any way towards a wilderness bill for Cabeza Prieta and our other Arizona wildlife refuge wilderness proposals.

Thank you.

Senator HECHT. Thank you very much. Your entire statement will be part of the record.

Mr. Martin Mellett.

STATEMENT OF MARTIN J. MELLETT, STAFF ATTORNEY, ARIZONA FARM WORKERS UNION

Mr. MELLETT. Thank you, Mr. Chairman. My name is Martin Mellett. I am staff attorney for the Arizona Farm Workers Union. The Arizona Farm Workers Union is an organization of mostly Mexican nationals who work in Arizona, the citrus and vegetable ranches. I have a statement. I would like to have that submitted for the record.

Senator HECHT. It will be a part of the record. I have it in front of me.

Mr. MELLETT. I would like to summarize a few points. Our concern basically is, over the past year we have discovered that there is a major migrant stream cutting across the Luke Air Force Base. We were doing some organizing activities in Dateland, AZ, which is halfway between Phoenix and Yuma, and members of our union told us that a number of their companions had died while crossing the desert. There was about a 50-mile stretch that cuts right across this desert.

We did some investigation and found about 50 death reports at the Yuma County Sheriff's office. Most of those death reports indicate that people died of dehydration. However, a lot of them they just found skull and bones. So it is hard to determine.

Our fear is that people are being killed on that Air Force range through electronic warfare practices and other kinds of bombing caused by the Air Force, and there is a real fear that if this migrant stream is not stopped, a lot more people are going to be killed.

Recently, I took a trip down to this area and talked with Agent Joe McGraw of the Border Patrol. He indicated that the month of June he had picked up 340 people who have come through this area. He also indicated to us that he has picked up two out of every five, that is his estimates. By his estimates, close to a thousand people come across this area every month.

Our fears are that unless some kind of a stop is made to keep folks from coming across this desert, a lot more people are going to be hurt. And it exposes farmworkers to serious injury.

As far as this bill goes, we would like to see the House version H.R. 4351 be adopted in the Senate. We would like to see Arizona looked at separately. We would like to see hearings be held in Arizona on Luke Air Force Base.

And that concludes my statement. If you have any questions, I will be happy to answer them.

[The prepared statement of Mr. Mellett follows:]

LUPE SANCHEZ
Director Ejecutivo
Executive Director

A.F.W.

ARIZONA FARMWORKERS UNION

12221 Grand Ave., P. O. Box 819, El Mirage, AZ 85335, (602) 977-1219

UNITED STATES SENATE

SUBCOMMITTEE ON PUBLIC LANDS

TESTIMONY RELATING TO SECTION 2412

SUBMITTED BY

MARTIN J. MELLETT

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P.O. BOX 819

EL MIRAGE, ARIZONA 85335

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JULY 17, 1986

UNITED STATES SENATE

SUBCOMMITTEE ON PUBLIC LANDS

JULY 17, 1986

On behalf of the Arizona Farmworkers Union (AFW) I appreciate the opportunity to convey to this Subcommittee today our opposition to the withdrawal from public use of the lands known as the Luke Air Force Range in Southwest Arizona. The purpose and use of these lands which cover parts of Maricopa, Pima, and Yuma counties poses a serious threat to the life and well being of thousands of Mexican national farmworkers who cross this area ever month in search of farm work in Yuma and Maricopa County area farms.

Since its inception in 1977, the AFW has worked unceasingly to organize one of the most exploited and vulnerable work forces in the United States -- the undocumented farmworker. Over the past nine (9) years, the Union has contributed significantly to improving the living and working conditions of farmworkers throughout Arizona. It has a membership list of over 13,000 members in the United States and Mexico and has extended its operation to Arkansas, Florida, and California. The AFW has offices in El Mirage, Arizona, Mexico City, and Queretaro, Mexico.

Although primarily concerned about the workplace, and the protection of workers' civil rights, the AFW also shares a deep concern for the workers family and environment in rural Mexico. In 1978, with the signing of the first labor contract, the AFW began an experiment unique in U.S. farm labor history. An economic development clause was inserted into the contract with U.S. growers which initiated economic development projects in the worker's home communities in Mexico. These projects have created the necessary infrastructure to allow workers to live in their home communities and to support their families, thus avoiding the dangerous and difficult journey to the United States. These economic development projects are organized under the leadership of the Cooperativa Sin Fronteras (Cooperative Without Borders) in Queretaro, Mexico.

In May, 1985, the AFW became aware of a dangerous migration pattern which has led us to believe that the land area known as Luke Air Force Range is not the place where aerial gunnery and electronic warfare should be practiced. In May, 1985, the AFW began an organizing drive at a farm in Dateland, Arizona known as Red Mountain, located directly north of the Luke Air Force Range. While talking to workers about the unsanitary living conditions and unsatisfactory wage rates, workers began to tell us of a frightening desert journey which has claimed the lives of many of their companions. Since the area at Dateland is located directly north of Luke Air Force Range many of the workers at the Red Mountain farm arrive in Dateland by crossing a 50 mile stretch of the Mohave Desert which is also the Luke Air Force Range. They enter the United States from a small roadside cafe on Route 1 in Sonora, Mexico called El Sahuaro and travel by foot to the ranches in Dateland. As we heard more and more of these death stories, we contacted the Yuma County Sheriff's Department to confirm the reports. Pursuant to a Public Records Law request, we were given over 40 death reports of workers who had died while crossing the Luke Air Force Range directly below Dateland, Arizona (see Attachment A). These reports confirm and document the fact that this section of Luke Air Force Range is part of a major migrant stream from Mexico into the United States.

Following further investigation at Red Mountain we began to hear of serious recruiting violations performed by another area farm known as "White Wing". White Wing is owned by the Valley National Bank, the 23rd largest bank in the country. Workers told us that White Wing foremen would recruit workers in Mexico, and encourage workers to cross the desert with the promise of work at the 10,000 acre grape and citrus farm (see Attachment B): Affidavits of workers recruited by White Wing. These affidavits were submitted to the Yuma County Sheriff's Department as part of a criminal investigation of White Wing's recruiting practices). As a result of these stories, the AFW began an organizing drive at White Wing primarily to pressure the farm to seek other recruiting methods in order to eliminate this desert death walk which has already claimed too many lives. Since September, 1985, the AFW has been in a constant struggle with the White Wing farm to recognize the Union and to find alternative methods to hiring.

The Yuma County Death Reports indicate that since 1982, fifty bodies have been pulled out of that section of Luke Air Force Range. However, despite the publicity, the numbers are not decreasing, rather they are increasing as witnessed by the fact that 4 bodies were discovered in June, 1986 alone. Both the Border Patrol who find the bodies as well as the AFW, consider this number of deaths to be extremely low considering the level of traffic that passes through that desert. In addition, workers who have crossed the desert have told AFW staff that they bury their companions who die en route (see Attachment C.) The death reports indicate that the majority of the deaths were caused by dehydration and exposure. However, numerous "John Doe" reports in which only scattered bones were uncovered permit a severely limited coroner's report. How they died, one can only conjecture. But with the high level of aerial bombing and electronic warfare testing which occur in the Luke Air Force Range, it is reasonable to assume that at least a percentage of the deaths were caused by Air Force maneuvers. This percentage, no matter how small, is an unacceptable loss of life.

In addition to these documented deaths which have already occurred on the Luke Air Force Range, it is also known that there is a significant flow of Mexican nationals through this area on their way to work in Yuma and Maricopa County farms. On a recent trip I made to the Dateland area, Border Patrol Agent Joe McGraw of the Tacna substation told two Arizona Republic reporters that he detains approximately 2 out of every 5 Mexican nationals who cross that section of the desert. He told the reporters that as of June 26, 1986, 340 people had been apprehended in his area in the month of June alone. Agent Joe McGraw is a 20 year veteran of the Border Patrol and one of its most experienced desert trackers. By his estimates, more than 800 people came through that section of Luke Air Force Range in June. Since the summer months in Yuma and Maricopa County employ relatively few farmworkers, the 800 figure is low. One can only imagine the increase in people who cross this area September through May every year when there is significant field work in Dateland area farms.

It is true that the Luke Air force Range is posted and registered to public use. However that fact does not preclude the reality that large numbers of Mexican nationals, perhaps 1,000 per month during the picking season, do cross sections of that land by foot. This places these farmworkers in serious risk of being exposed to the dangerous effects of Air Force gunnery practice and electronic warfare testing. The AFW has sought to halt this dangerous crossing in several ways. First, through our labor organizing in Dateland area ranches, we have sought to find other methods of recruitment to avoid the desert journey. We have also sought to educate our workers in the U.S. as well as in Mexico concerning the dual dangers of dehydration and exposure to Air Force gunnery practice and electronic warfare testing. Finally, we have assisted the Border Patrol in locating victims in the desert when our workers inform us of lost companions. However, this is not enough. Until the Border Patrol can completely seal off that part of the border, thereby preventing any ingress to Luke Air Force Range, large numbers of workers will continue to place themselves in jeopardy of dying from Air Force bombing practice.

Being well acquainted with the reality of farmwork in this area as well as the reality of the economic situation in Mexico, the AFW is able to visualize three alternatives which could eliminate the risk of exposure tomilitary maneuvers to thousands of Mexican nationals. It is a well known fact that the economy of this area is highly dependent on exploiting Mexican nationals to work the fields and orchards and harvest the crops. If the farms were shut down, the main reason for crossing the desert would be eliminated. However such an option is both unrealistic and unacceptable. A second option is for the Border Patrol to substantially increase its vigilance of several hundred miles of border south of Luke Air Force Range. Not only is this alternative unrealistic, it is unworkable due to the record number of Mexican nationals entering the U.S. all along the U.S.-Mexican border. The third option is to halt the use of military maneuvers in this area by denying the withdrawal request. In our opinion, this is the only method which would eliminate the serious danger posed by exposure to high level military maneuvers. Therefore the Arizona Farm Workers Union, as representative of many farm workers who cross that desert stretch of Luke Air Force Range every year, stands in firm opposition to that section of S. 2412 which would permit the Luke Air Force Range to continue its gunnery and military operations. If the Air Force must practice war games and electronic warfare, it should be done in an area that does not endanger the lives of so many people in such a significant way.

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Hunt for Better Life Leads Aliens to 'Season of Death'

By BILL CURRY, *Times Staff Writer*

DATELAND, Ariz.—The season of death has returned to the desert, and its arrival this year was described early this month by the Yuma County Sheriff's Department in language as dry as the land itself:

Ruperto Ramirez was found deceased in the desert south of Dateland, Arizona. Victim died from exposure to the elements while crossing into the United States from Mexico.

With that, Ramirez, who had entered the United States with two other Mexican nationals in search of the greater rewards of working in America, was documented as the 47th illegal alien to die in one hellish stretch of desert in southwest Arizona since 1982, the 47th to lose a life while searching for a better one.

Since then, three others have died, to make the total 50.

And those are only the ones that have been found.

There are, most certainly, more.

"Undoubtedly," says the Border Patrol.

"They start across with very little water, two or maybe one gallon," says Ramon Higuera Cota, who, at 51, has trekked the Lechuguilla Desert many times. "You need four or five gallons."

Then he adds: "You always risk your life when you go across the desert. As soon as you cross that fence (marking the border), you are resolving to make it or die. It's like going into combat."

Now, with record numbers of migrants streaming from the near economic chaos of Mexico into the United States, the U.S. Border Patrol in Yuma has formed a special "Desert Area Rescue Team," or DART, to aid in the search this summer for illegal im-

Please see MIGRANTS, Page 12

MIGRANTS: 'Season of Death' Exacts a Heavy Toll in the Arizona Desert

Continued from Page 1

migrants reported to be in danger in the desert.

Even as they searched for Ramirez on June 2, the team accidentally found and rescued another illegal alien who was in the final stages of dehydration and near death.

And the problem is not just confined to the desert here. The Yuma County sheriff's office has also recovered remains of two suspected illegal aliens north of Yuma and 13 who have drowned in the Colorado River and its irrigation canals while attempting to enter the United States since 1982, the earliest year for which records are available.

Increased Problem Expected

"What we're concerned about is the numbers—we're going to have an increased problem this year," says Dale W. Cozart, chief patrol agent for the Border Patrol in Yuma, citing record apprehensions of illegal aliens along 118 miles of border in southwest Arizona and southeast California. March saw a monthly record 10,000-plus apprehensions in the Yuma sector. April saw a 25% increase in apprehensions over April of 1985, and April 7 saw a record one-day catch of 632 illegal aliens—an average of 26 apprehensions every hour.

While the Border Patrol has always tried to help aliens in trouble in the desert, Cozart says, "with these vast numbers, we might get two or three groups of people in trouble, and the DART is to augment that help."

Of the Lechuguilla Desert area here, Cozart says: "It's unique. A large number of people have traditionally entered through one of the largest, harshest, most waterless areas on the southern border of the United States. There are other harsh areas, but we have this large number of people who traditionally come here."

And many of them traditionally work at the vast Whitewing Ranch here in Dateland, 10,000 acres of citrus and grape crops whose harvest hinges on Mexican laborers. The Arizona Farmworkers Union has charged publicly and in affidavits from workers given to federal investigators that the ranch illegally recruits workers in Mexico and lures them into crossing the desert with the promise of jobs.

Employing illegal aliens is not a crime but enticing them to illegally enter the country is.

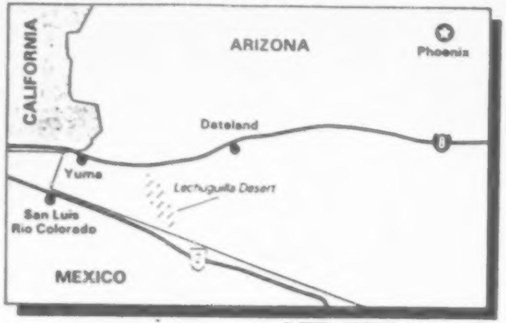
The Border Patrol, Cozart says, was notified of Ramirez's plight in the desert by the Whitewing Ranch, where Ramirez's two companions had gone.

A federal grand jury and a Border Patrol investigation into the charges continue but have thus far produced no criminal charges.

Owned by Bank

The ranch is owned by Arizona's powerful Valley National Bank in Phoenix, the biggest bank in the Rocky Mountain region and the 23rd largest bank in the country. It acquired the Whitewing Ranch, and the longstanding practice of employing illegal aliens, in a 1983 foreclosure action. After the foreclosure, it hired the ranch's former management to continue running it. "The bank inherited the problem," says Don Devereux, a spokesman for the farm workers union.

Asked to respond to the allegations made by the union, a spokesman for the bank refused to comment. After an internal audit last



PATRICIA MITCHELL / Los Angeles Times

fall, the bank said in its report on the audit that the allegations are "untrue and unfounded," but it acknowledged to reporters at the time that it did not interview the workers who made the charges.

"The foreman would tell me (at the end of a harvest) to bring two, three, however many (workers) with me (next time) and I will have a job here and the workers will have a job," says Ramon Higuera Cota. He was interviewed at the Whitewing Ranch shortly after he had crossed the desert in hopes of harvesting grapes. "That's why I always brought one or two. They always gave jobs to all the people I brought. I always bring two people. But this year, I did not bring anyone. Everybody was already here."

And he had not yet been hired.

In affidavits obtained by the farm workers union and turned over to the federal prosecutor who is leading the grand jury investigation, other workers have alleged that ranch foremen have recruited workers in a park across the border in San Luis Rio Colorado.

"The problem is basically low wages, no jobs and large families in Mexico," says Lupe Sanchez, the executive director of the Arizona Farmworkers Union. "That (the desert) is the only way they can get across, so it's the only way to work."

Sanchez says the union, whose members are mostly Mexican nationals, is so concerned over the desert deaths that it has dropped its normal opposition to "guest worker" programs and has urged the Whitewing Ranch to seek federal approval for the legal, temporary importation of citrus and grape pickers from Mexico. "It's a very oppressive program because it gives total power to the employer," says Sanchez, "but it's the only way (to stop the deaths). Within one or two seasons, it would stop completely."

The union first learned of the desert deaths a year ago after a 21-year-old woman from El Salvador, her two sons, 4 and 5 years old, and another woman, all died while crossing the desert with the mother's husband to pick grapes at the Whitewing Ranch, according to the Yuma County Sheriff's Department. The guide who led them was taken into custody at the Whitewing Ranch and charged with smuggling aliens into the country. He has since been convicted of violating immigration laws.

But sheriff's deputies maintaining order at a strike called by the AFW at the nearby Red Mountain Farm told union leaders the Salvadorans were not the first to have died in the desert, an inhospitable obstacle course stretching for 50 miles or so from the border to Interstate 8. Largely featureless to the untrained eye, its chief hallmark is a sandy spine of dunes six miles wide.

The journey usually begins in the small Mexican town of El Sahuaro, a brief bus ride out Highway 2 from San Luis Rio Colorado. Passing through Big Gap or Little Gap, they set sight on Mohawk Peak and begin walking the Mohawk Valley, the sand dunes between them and the peak, which gives way to Interstate 8 and a rest area at Milepost 56 with drinking water.

Chronicle the End

The Yuma County sheriff's records chronicle the end for many who are found:

—"(A witness) was with a party of six that crossed the desert toward Whitewing Ranch, he said that they got lost. The deceased was left behind because he just could not go any more. He was overweight so they left him there, where the Border Patrol found him."

—"Border Patrol pilot reported that an alien was going north on

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Anonymous Endings

Others who have been claimed by the desert died more anonymously, carried by the sheriff's office only as "skull," "body," "jawbone plus," or "remains."

"For the privilege of a job," says Devereux of the farm workers union. "To pay these kinds of dues to work. . . . If the ranch had applied for (guest worker) permits, they could have brought them in by bus."

Cozart of the Border Patrol says that much of the migration across the desert is indeed aimed at the Whitewing and two other ranches nearby. "A great amount (of migration) is local," he says. "It doesn't mean a lot aren't getting money here to go to Phoenix or Los Angeles. But there are great numbers that come locally. . . . During citrus season, all of the migration to the area is to Whitewing.

"A guest worker program is going to alleviate the situation," he says. "It's not going to solve it. But it might help in terms of the numbers coming in."

But, adds the head of the Desert Area Rescue Team, John Elton: "There'd still be that few that still

STATEMENT

I, CARLOS COBARUBIA MESA, state the following statement is true and correct to the best of my knowledge:

1. That I am a resident of Pablado 7, Sinoloa.
2. That on or about April 21, 1986 at approximately 2 p.m. I crossed the U.S./Mexico border at El Sahuaro with 2 other workers.
3. That on this day, approximately 17 miles from the border, I saw a body "face down" in the sand, completely dressed with pants and a shirt. This body appeared to have been there for about 10 days as there were dry blood spots around it.
4. That on April 22, 1986, at approximately 9 am, 12- 13 miles from the first body, I saw another body. This body was wrapped in a white sheet. I did not go near it so I cannot tell how long it had been there.
5. That on this same day, approximately 10-12 miles from the second body, I encountered a third body. This body was buried under rocks but I could see the skeleton. It appeared to have been there for a long time.
6. That on or about April 23, 1986, in the early morning hours, we arrived at the Aztec camp near Dateland, Arizona.
7. That I have crossed this part of the desert six times before and this is the first time I have seen bodies.

Signed this 1st day of May, 1986

X C C
Carlos Cobarubia Mesa

I, ALFONSO MORIN, speak both English and Spanish and on this 1st day of May, 1986, I translated this statement for Carlos Cobarubia Mesa from Spanish to Enblish. Alfonso Morin

STATEMENT

I. MIGUEL COTA, state the following statement is true to the best of my knowledge:

1. I am a resident of Sinaloa de Leyva, Sinaloa, Mexico.
2. On or about January 10, 1985 I and my second cousin, Roberto Cota, along with 3 other workers crossed the desert to work at the Whitewing Ranch. It took us two days and one night to reach Dateland, AZ.
3. We worked at Whitewing for about one week at which time my cousin Roberto asked Mr. Brown if he could bring his wife, Norma, to work at the Whitewing Ranch. Roberto told me that Mr. Brown said he could go to Mexico and bring his wife and that Mr. Brown would prepare a trailer for them. Robert then left for Mexico.
4. On or about January 20, 1985, my second cousin, Roberto Cota, Norma Rodriguez, and two other male workers crossed the desert to work at the Whitewing Ranch. They crossed the U.S./Mexican border at El Sahuaro and spent three days and two nights crossing the desert. When they reached the rest area near Dateland, AZ, they called the foreman, Jesus Valencia and asked him to come and pick them up.
5. I was at the labor camp at the ranch on or about January 23, 1985 when Jesus Valencia arrived with the workers in his brown colored truck.
6. On or about August 1984, I arrived at San Luis Rio Colorado and met up with Ramon, a foreman at the Whitewing Ranch. At this time Ramon told me there was work at Whitewing and that I should go there.
7. I told him I would go but that I first wanted to visit my family in Sinaloa. I stayed with my family for four days then crossed the desert to get to the Whitewing Ranch.

Dated this 30th day of September, 1985.

Miguel Cota [illegible]

Bus Owens

Case No 6742-86

JUN 1 3 1986

YUMA COUNTY SHERIFF'S DEPARTMENT
P.O. Box 112, Yuma, AZ 85364
INCIDENT REPORT

Case No Y-6742-86

ure of Offense: DECEASED PERSON/ILLEGAL ALIEN
Date Occured: 6/9/86
Time Occured: Unknown
Officer Assigned: Sgt.Weeks
Date Assigned: 6/9/86
ation of Occurance: along the Papago Wells Road north end of 25 miles south of I-8, the Sierra Pintas Mountains.
Copies To: ME
on Reporting ( ) Same as Victim: CHARLES HOWARD MARCUM ✓
Address ( ) Same as Victim: 1312 11th Avenue, Yuma
Phone No
 Reported: Phone ( ) On sight ( ) Other ( ) Walk in
Reported to: KOA 832
Date Reported: 6/9/86
Time Reported: 0831
Time Arrived: 1100

No. 1 Last First Middle: JOHN DOE MEXICAN
Race: M
Sex: M
DOB: Unknown
Home Phone
Address: Somewhere in Mexico
Employer: Unknown
Work Phone

No. 2 Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

V Victim
W Witness
S Suspect
O Other

Code Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

Code Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

V Victim
W Witness
S Suspect
O Other

Code Year Make Model Color License No State Vin No
R/O
Address
Phone No

Code Year Make Model Color License No State Vin No
R/O
Address
Phone No

SYNOPSIS: The body of an unidentified mexican male was found at the base of the Sierra Pinta Mountain Range by a couple of campers. There was no I.D. on the victim.

Victim appeared to have died from exposure to the elements.

YUMA COUNTY SHERIFF'S DEPARTMENT

CASE NO

NARRATIVE

0831, Body reported to YCSO and Border Patrol
0932, M.E. Dr. Alvarez gave permission to remove bodies to Mortuary.
0940, Tri Valley notified body van requested.
1100, arrived on the scene at Sierra Pintas Moutains.
1132, enroute back to civilization with the deceased.
1335, bodies enroute to Mortuary.

6/9/86 I met MR. CHARLES MARCUM at the Tacna Border Patrol station in Tacna, Arizona. MR. MARCUM reported to me that while camping in the Sierra Pintas he had discovered a body near a mine shaft. MR. MARCUM showed Agent Joe McCraw and myself the location on the map. Agent Joe McCraw and myself left and proceeded to the Sierra Pintas Mountain Range. 1100 hours the body of a mexican male was found laying under a mesquite tree. It appeared to have been deceased for about a week. No ID was found.

The body was taken to Johnson's MOrtuary per M.E.'s request.

No signs of foul play.

Appears to have died from exposure.

CASE CLOSED...

65-594 359

Sgt. Mike Weeks/dm

ADDENDUM

TO THE TESTIMONY OF

MARTIN MELLETE

FOR S. 2412

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

U.S. SENATE

JULY 17, 1986

Los Angeles Times

Circulation: 1,103,656 Daily / 1,368,105 Sunday — Monday, June 16, 1986 — CC†† 80 Pages Copyright 1986/The Times Mirror Company Daily 25¢

Hunt for Better Life Leads Aliens to 'Season of Death'

By BILL CURRY, *Times Staff Writer*

DATELAND, Ariz.—The season of death has returned to the desert, and its arrival this year was described early this month by the Yuma County Sheriff's Department in language as dry as the land itself:

Ruperto Ramirez was found deceased in the desert south of Dateland, Arizona. Victim died from exposure to the elements while crossing into the United States from Mexico.

With that, Ramirez, who had entered the United States with two other Mexican nationals in search of the greater rewards of working in America, was documented as the 47th illegal alien to die in one hellish stretch of desert in southwest Arizona since 1982, the 47th to lose a life while searching for a better one.

Since then, three others have died, to make the total 50.

And those are only the ones that have been found.

There are, most certainly, more.

"Undoubtedly," says the Border Patrol.

"They start across with very little water, two or maybe one gallon," says Ramon Higuera Cota, who, at 51, has trekked the Lechuguilla Desert many times. "You need four or five gallons."

Then he adds: "You always risk your life when you go across the desert. As soon as you cross that fence (marking the border), you are resolving to make it or die. It's like going into combat."

Now, with record numbers of migrants streaming from the near economic chaos of Mexico into the United States, the U.S. Border Patrol in Yuma has formed a special "Desert Area Rescue Team," or DART, to aid in the search this summer for illegal im-

Please see MIGRANTS, Page 12

MIGRANTS: 'Season of Death' Exacts a Heavy Toll in the Arizona Desert

Continued from Page 1

migrants reported to be in danger in the desert.

Even as they searched for Ramirez on June 2, the team accidentally found and rescued another illegal alien who was in the final stages of dehydration and near death.

And the problem is not just confined to the desert here. The Yuma County sheriff's office has also recovered remains of two suspected illegal aliens north of Yuma and 13 who have drowned in the Colorado River and its irrigation canals while attempting to enter the United States since 1982, the earliest year for which records are available.

Increased Problem Expected

"What we're concerned about is the numbers—we're going to have an increased problem this year," says Dale W. Cozart, chief patrol agent for the Border Patrol in Yuma, citing record apprehensions of illegal aliens along 118 miles of border in southwest Arizona and southeast California. March saw a monthly record 10,000-plus apprehensions in the Yuma sector. April saw a 25% increase in apprehensions over April of 1985, and April 7 saw a record one-day catch of 632 illegal aliens—an average of 26 apprehensions every hour.

While the Border Patrol has always tried to help aliens in trouble in the desert, Cozart says, "with these vast numbers we might get two or three groups of people in trouble, and the DART is to augment that help."

Of the Lechuguilla Desert area here, Cozart says: "It's unique. A large number of people have traditionally entered through one of the largest, harshest, most waterless areas on the southern border of the United States. There are other harsh areas, but we have this large number of people who traditionally come here."

And many of them traditionally work at the vast Whitewing Ranch here in Dateland, 10,000 acres of citrus and grape crops whose harvest hinges on Mexican laborers. The Arizona Farmworkers Union has charged publicly and in affidavits from workers given to federal investigators that the ranch illegally recruits workers in Mexico and lures them into crossing the desert with the promise of jobs.

Employing illegal aliens is not a crime but enticing them to illegally enter the country is.

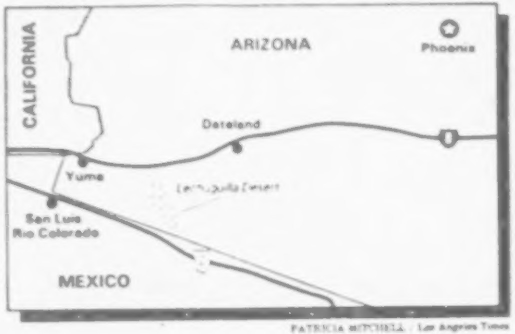
The Border Patrol, Cozart says, was notified of Ramirez's plight in the desert by the Whitewing Ranch, where Ramirez's two companions had gone.

A federal grand jury and a Border Patrol investigation into the charges continue but have thus far produced no criminal charges.

Owned by Bank

The ranch is owned by Arizona's powerful Valley National Bank in Phoenix, the biggest bank in the Rocky Mountain region and the 23rd largest bank in the country. It acquired the Whitewing Ranch, and the longstanding practice of employing illegal aliens, in a 1983 foreclosure action. After the foreclosure, it hired the ranch's former management to continue running it. "The bank inherited the problem," says Don Devereux, a spokesman for the farm workers union.

Asked to respond to the allegations made by the union, a spokesman for the bank refused to comment. After an internal audit last fall, the bank said in its report on the audit that the allegations are "untrue and unfounded," but it acknowledged to reporters at the time that it did not interview the workers who made the charges.



PATRICIA MITCHELL / Los Angeles Times

"The foreman would tell me (at the end of a harvest) to bring two, three, however many (workers) with me (next time) and I will have a job here and the workers will have a job," says Ramon Higuera Cota. He was interviewed at the Whitewing Ranch shortly after he had crossed the desert in hopes of harvesting grapes. "That's why I always brought one or two. They always gave jobs to all the people I brought. I always bring two people. But this year, I did not bring anyone. Everybody was already here."

And he had not yet been hired.

In affidavits obtained by the farm workers union and turned over to the federal prosecutor who is leading the grand jury investigation, other workers have alleged that ranch foremen have recruited workers in a park across the border in San Luis Rio Colorado.

"The problem is basically low wages, no jobs and large families in Mexico," says Lupe Sanchez, the executive director of the Arizona Farmworkers Union. "That (the desert) is the only way they can get across, so it's the only way to work."

Sanchez says the union, whose members are mostly Mexican nationals, is so concerned over the desert deaths that it has dropped its normal opposition to "guest worker" programs and has urged the Whitewing Ranch to seek federal approval for the legal, temporary importation of citrus and grape pickers from Mexico. "It's a very oppressive program because it gives total power to the employer," says Sanchez, "but it's the only way (to stop the deaths). Within one or two seasons, it would stop completely."

The union first learned of the desert deaths a year ago after a 21-year-old woman from El Salvador, her two sons, 4 and 5 years old, and another woman, all died while crossing the desert with the mother's husband to pick grapes at the Whitewing Ranch, according to the Yuma County Sheriff's Department. The guide who led them was taken into custody at the Whitewing Ranch and charged with smuggling aliens into the country. He has since been convicted of violating immigration laws.

But sheriff's deputies maintaining order at a strike called by the AFW at the nearby Red Mountain Farm told union leaders the Salvadorans were not the first to have died in the desert, an inhospitable obstacle course stretching for 50 miles or so from the border to Interstate 8. Largely featureless to the untrained eye, its chief hallmark is a sandy spine of dunes six miles wide.

The journey usually begins in the small Mexican town of El Sahuaro, a brief bus ride out Highway 2 from San Luis Rio Colorado. Passing through Big Gap or Little Gap, they set sight on Mohawk Peak and begin walking the Mohawk Valley, the sand dunes between them and the peak, which gives way to Interstate 8 and a rest area at Milepost 56 with drinking water.

Chronicle the End

The Yuma County sheriff's records chronicle the end for many who are found:

—"(A witness) was with a party of six that crossed the desert toward Whitewing Ranch, he said that they got lost. The deceased was left behind because he just could not go any more. He was overweight so they left him there, where the Border Patrol found him."

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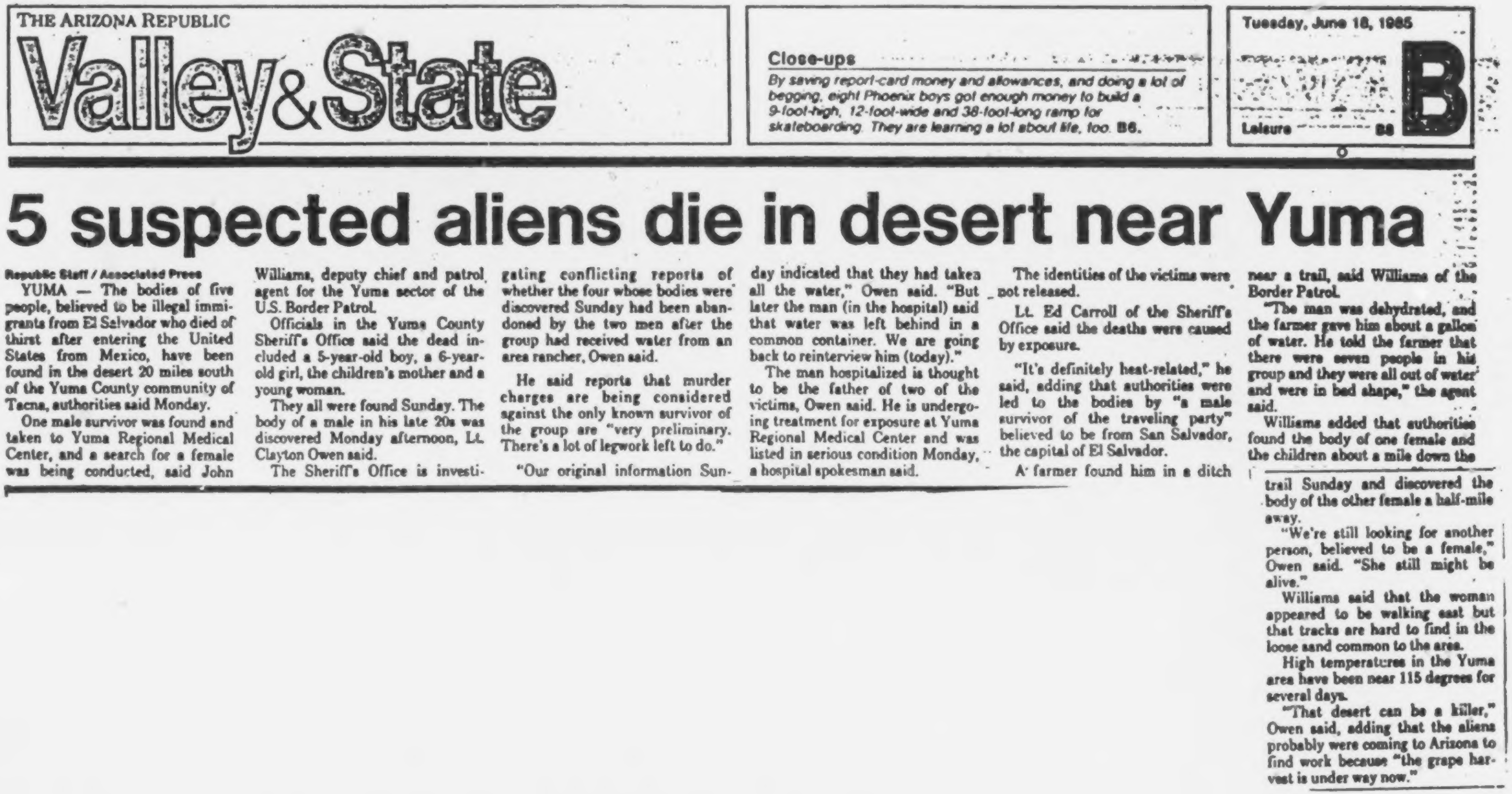
But, adds the head of the Desert Area Rescue Team, John Elton: "There'd still be that few that still



THE ARIZONA REPUBLIC
Valley & State
Tuesday, June 18, 1985
B

Close-ups

By saving report-card money and allowances, and doing a lot of begging, eight Phoenix boys got enough money to build a 9-foot-high, 12-foot-wide and 38-foot-long ramp for skateboarding. They are learning a lot about life, too. B6.

Leisure ---------- B8

5 suspected aliens die in desert near Yuma

Republic Staff / Associated Press

YUMA — The bodies of five people, believed to be illegal immigrants from El Salvador who died of thirst after entering the United States from Mexico, have been found in the desert 20 miles south of the Yuma County community of Tacna, authorities said Monday.

One male survivor was found and taken to Yuma Regional Medical Center, and a search for a female was being conducted, said John Williams, deputy chief and patrol agent for the Yuma sector of the U.S. Border Patrol.

Officials in the Yuma County Sheriff's Office said the dead included a 5-year-old boy, a 6-year-old girl, the children's mother and a young woman.

They all were found Sunday. The body of a male in his late 20s was discovered Monday afternoon, Lt. Clayton Owen said.

The Sheriff's Office is investigating conflicting reports of whether the four whose bodies were discovered Sunday had been abandoned by the two men after the group had received water from an area rancher, Owen said.

He said reports that murder charges are being considered against the only known survivor of the group are "very preliminary. There's a lot of legwork left to do."

"Our original information Sunday indicated that they had taken all the water," Owen said. "But later the man (in the hospital) said that water was left behind in a common container. We are going back to reinterview him (today)."

The man hospitalized is thought to be the father of two of the victims, Owen said. He is undergoing treatment for exposure at Yuma Regional Medical Center and was listed in serious condition Monday, a hospital spokesman said.

The identities of the victims were not released.

Lt. Ed Carroll of the Sheriff's Office said the deaths were caused by exposure.

"It's definitely heat-related," he said, adding that authorities were led to the bodies by "a male survivor of the traveling party" believed to be from San Salvador, the capital of El Salvador.

A farmer found him in a ditch near a trail, said Williams of the Border Patrol.

"The man was dehydrated, and the farmer gave him about a gallon of water. He told the farmer that there were seven people in his group and they were all out of water and were in bad shape," the agent said.

Williams added that authorities found the body of one female and the children about a mile down the trail Sunday and discovered the body of the other female a half-mile away.

"We're still looking for another person, believed to be a female," Owen said. "She still might be alive."

Williams said that the woman appeared to be walking east but that tracks are hard to find in the loose sand common to the area.

High temperatures in the Yuma area have been near 115 degrees for several days.

"That desert can be a killer," Owen said, adding that the aliens probably were coming to Arizona to find work because "the grape harvest is under way now."

Thursday, September 12, 1985
○ The Arizona Republic

Union, bank to focus on 60 aliens' deaths

Concessions sought from ranch owned by financial institution

By ANDY HALL
Arizona Republic Staff

The deaths of more than 60 illegal aliens in a hellish desert corridor in southwestern Arizona have prompted a meeting today between the leader of a farm laborers union and the head of the state's largest bank.

The Arizona Farm Workers Union believes that many of the people who died were going to the Whitewing Ranch, which is owned by Valley National Bank.

The illegal aliens, mostly young Mexican men, died during the past five years while trying to walk 50 miles without water from the Mexican border to Interstate 8 in Yuma County, Sgt. Mike Weeks of the Yuma County Sheriff's Office said.

About 60 bodies or skeletal remains have been recovered in those five years in the 40-mile-wide area, bounded by Dateland on the east and Wellton on the west, Weeks said. More than 30 other people have been reported missing but never found, he said.

"We've recovered 13 this summer," Weeks said. "That's a pretty high year for us."

At least four others have been reported missing this summer, he said. Countless others go unreported by the illegal aliens, he added, because they often are fearful of dealing with authorities.

Today's meeting between Lupe Sanchez, executive director of the

— *Deaths, A2*

Deaths

Continued from A1

Arizona Farm Workers Union, and Howard McCrady, chairman of the board and chief executive officer of Valley National Bank, is expected to concern Sanchez's proposals involving the ranch.

Sanchez said he will ask McCrady to consider compensating families of people who have died while trying to reach the ranch, to allow the union to represent the ranch's employees, and to bus the alien workers in legally by using the federal government's "H-2" program.

That program permits employers to hire foreign workers if a domestic work force cannot be raised. Other workers could be legalized if the company would help them obtain permanent resident-alien, or "green card," status, Sanchez said.

If these matters cannot be settled by Monday, Sanchez said, he would recommend that the ranch workers go on strike. Union organizers have been signing up workers for weeks.

McCrady said he was unaware that illegal aliens work at the ranch.

Informed by a reporter that 60 bodies have been found south of the ranch in the past five years, McCrady replied, "Oh, that's terrible."

"It's a shame something like that happens," McCrady said. "Unfortunately, obviously, the U.S. Customs and Border Patrol can't patrol the whole border and catch everyone who tries to come across."

McCrady said he was happy to meet with Sanchez, but added, "I really don't know specifically what their agenda is."

Valley National Bank acquired Whitewing Ranch Management Inc. because of a loan default several years ago, McCrady said. But, he said, a separate company actually manages the day-to-day operations and is considered the employer of workers.

He was not sure of the name of that company and telephone calls to the ranch went unanswered.

Tommy Espinoza, a leader in the Valley's Hispanic community and a Phoenix businessman, said he arranged the meeting between McCrady and Sanchez because he knows them both.

"The way I look at it, it's really a positive step that our community, the Hispanic community, has ac

"The way I look at it, it's really a positive step that our community, the Hispanic community, has ac-

cess," Espinoza said. "This certainly wouldn't have happened a couple of years ago."

More than two dozen workers interviewed at the ranch Tuesday night by *The Republic* indicated that they were illegal aliens and had walked across the desert, doing much of their walking past rattling snakes at night, to reach the ranch.

Some said that on this year's trip, they found a headless corpse near a dry well. Several said they had buried a skeleton they found three years ago.

Hazards of the trek include heat rising past 150 degrees, tarantulas and a 6-mile-long sand dune that saps migrants' energy, according to Weeks and the illegal aliens interviewed by *The Arizona Republic.* Those who make it carry at least four gallons of water.

"We find bits and pieces of bones scattered around, all bleached out," Weeks said.

"One thing about the desert: It takes care of its own, and no one else. You are dust, and to dust you go back to."

THE NEW YORK TIMES, THURSDAY, SEPTEMBER 26, 1985

Bones Found on Mexicans' Desert Path to U.S. Jobs

By ROBERT REINHOLD
Special to The New York Times

PHOENIX, Ariz., Sept. 25 — By the time the sheriff arrives there is usually nothing left under the scorching sun but bones, perhaps just a skull, and some tattered clothing. Sometimes the sheriff beats the coyotes to the scene and there are identifiable bodies lying bloated on the desert floor.

The sheriff believes they are the remains of young Mexicans, driven by economic desperation at home to risk marching 50 miles across what is perhaps the harshest stretch of uninhabited territory left in the United States to find work picking fruit in southwest Arizona. The unlucky ones run out of water or get lost before reaching the valley of the Gila River.

The Yuma County sheriff's office reports finding 49 bodies of suspected aliens since July 1982, and 10 of these were in the last five weeks, including one last Friday. The Arizona Farm Workers Union, which has been organizing the illegal migrants, says many other deaths go undiscovered and that as many as 300 people have died in the trackless waste in five years.

The union says the toll mounts as the Mexican economy declines. "The economic crisis in Mexico is forcing people to take a lot more risk," said Lupe Sanchez, executive director of the union.

Union Struck a Ranch

The situation has dragged one of Arizona's corporate leaders, the Valley National Bank of Arizona, largest in the Rocky Mountain states, into one of the more unseemly aspects of the Arizona agricultural economy: the dispute over whether Mexican workers are exploited. The bank, whose gleaming tower dominates the Phoenix skyline, unwillingly acquired a large ranch near Dateland, the Whitewing Ranch, through a loan default in 1983.

The union charges that most of the dead in the desert were Mexicans who were lured by promises of jobs at the ranch but were offered no transportation. On Sept. 16, to protest both the deaths and working conditions there, the union called a strike of 75 workers at the ranch, which has for years depended on illegal aliens to harvest lemons and grapes. The employment of illegal aliens is legal under present statutes.

Under public pressure, the bank mounted an inquiry by its internal audit department with the help of Chicanos por la Causa, a respected Mexican-American comunity development agency here. The bank announced today that, as a result of the inquiry, it "feels all allegations against the Whitewing Ranch management are untrue and unfounded."

A spokesman for the union called the statement "absolute nonsense" and charged that the bank had not interviewed any of the strikers, who contend they were recruited by a ranch foreman in Mexico.

Meanwhile, the strike has collapsed under a court injunction by a state judge in Yuma, who declared the strike illegal and ordered the workers off the ranch by last evening.

Last week, the workers, interviewed before they left the Whitewing Ranch, said they regularly crossed the desert to work at the ranch, some saying they had done it every year for eight years. A man who stepped forward as a spokesman, Raul Sixtos of San Luis, Sonora, said that a foreman from the ranch, whom he named as Joel Arcos, regularly recruited Mexicans in a park in San Luis and told them there was work for anyone who came across.

It is impossible to be certain, however, that all of those who died were headed for the Whitewing Ranch. Capt. Robert Walker of the sheriff's substation in Wellton said that migrants used the lights around Dateland as a beacon.

"Ninety-nine percent are headed that way, but not necessarily to Whitewing," he said. "Once in a while we do find a Whitewing employee card on a body." There are several other ranches east of Whitewing also known to hire Mexicans, and many others may be headed to Phoenix.

According to Mr. Sixtos and another leader, Rafael A. Castro of Sinaloa state, as well as sheriff's deputies, this is how the Mexicans cross.

They take a bus from San Luis along Mexican Route 2, which hugs the American border, to a tiny outpost called Saguaro. There, they fill plastic jugs with water, at least four gallons each, and head north on foot. The crossing here is not well guarded.

Before the migrants lie 50 miles of harsh waste before they reach their oasis, a rest stop on Interstate 8 near Mohawk, Ariz. Wavy dunes fill the expanse between jagged buttes and mesas, home only for rattlesnakes and lizards, creosote bushes, the hardy saguaro cactus. Most of the route traverses the Luke Air Force gunnery range.

He Walks All Day and Night

"I usually start about 11 A.M. and walk all day and night and arrive the next day at daybreak," said Mr. Castro, who said he carried four gallons of water. Those who died, he said, were unfamiliar with the terrain.

The route varies, but usually follows the east side of the Mohawk Mountains. The worst stretch is a six-mile-wide sand dune, and those who try crossing it in daytime, when temperatures hit 150 degrees in the summer, often die.

The workers displayed their pay stubs from the Whitewing Management Company, which indicated the ranch knew it was hiring illegal aliens. The stubs showed the Mexican addresses of the workers and listed their Social Security numbers as 000-00-0000.

Mr. Sanchez, the union leader, said the union wanted the ranch to bus the workers in legally under the Federal H-2 temporary farm worker program, which may be invoked when American workers cannot be found. The strikers charged they were exploited by the ranch. They had to pay $18 to use a tattered old mattress, they said, and the food was poor. They said the company deducted $8 a day for room and board, and often docked each worker $5 when a window or door was broken.

They Are Paid by the Bin

They earn $24 for each bin of lemons picked, so the pay varies. One man netted $66.67 for six 10-hour days, another $107 for 42 hours. They also said the company would not mail checks to Mexico to workers deported by the Border Patrol. Nick Kasakura, a supervisor at the ranch, refused to comment, referring a reporter to David Tope, general manager of the company. A call to Mr. Tope's office in Yuma was not returned.

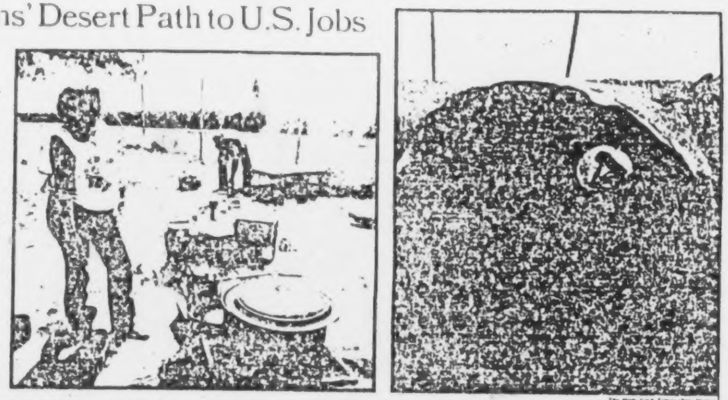
The union has asked the bank to compensate the families of the dead and make improvements in the working conditions. A statement by the bank issued on Sept. 18 said that the bank was only the "temporary owner" and was obliged under Federal banking law to sell it as quickly as feasible. Therefore, it went on, the bank is not the "appropriate owners" to deal with the union demands.

The key question is whether the ranch actively encouraged Mexicans to make the hazardous journey. Pete C. Garcia, president of Chicanos por la Causa, the group aiding the bank, said: "From the information we have obtained, we have not found any facts that they were actually recruiting. You cannot pin somebody on rumors."

No one disputes that hundreds of Mexicans regularly risk death in the desert. Mr. Garcia said he hoped the employers and the union could resolve it by negotiation.

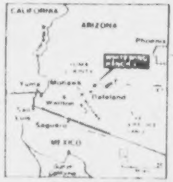
A spokesman for the bank acknowledged today that no strikers had been interviewed by the investigators, saying that the intention was to interview only those who were "unbiased."

The evicted striking workers are still in the state, looking for other jobs. They seem quite unconcerned about being arrested by the "migras" — immigration police in Spanish slang. Mr. Castro said he was arrested and deported eight times last year, returning over the desert route every time. The worst thing about being deported, Mr. Castro said, is that the company charges him $18 for his old mattress every time he returns.



The New York Times/Sam Moore

Before evictions, a striking farm worker cooked tortillas over open fire on the Whitewing Ranch near Dateland, Ariz. Workers said they used drainpipe, right, when immigration officials showed up.



The New York Times/Sept. 26, 1985

The Farm Workers Union says many have died in desert treks to jobs at the Whitewing Ranch.

Alien strikers claim ranch recruited them illegally

By PAMELA MANSON
Arizona Republic Staff

DATELAND — Several citrus pickers on strike at the Whitewing Ranch here said Tuesday that they were recruited by their foremen to enter the United States illegally.

The illegal aliens say the foremen recruited them in person at a public park in San Luis, Sonora, or through friends who already worked at the ranch, which is owned by Valley National Bank.

They said transportation to the ranch was not offered, leaving them to walk across the desert.

A bank spokeswoman, Deanna Prock, would not comment on the workers' statements. She repeated the bank's statement of last week that charges about management of the ranch and recruiting practices will be investigated by the bank's internal-audit division and Chicanos Por La Causa, a Hispanic advocacy and social-service group based in Phoenix.

Ranch officials could not be reached by telephone.

Rafael Castro, a worker at the ranch and an organizer for the Arizona Farm Workers Union, said he was asked in December by a supervisor to bring friends to the ranch from Mexico.

"He knows I walk up here every couple of months," said Castro, an illegal alien who occasionally is picked up by the Immigration and Naturalization Service and sent back across the border.

"People in the company ask how long it takes to get here (from Mexico). The fastest are sent back to get friends to come up."

Castro said he declined to recruit his friends.

Raul Sixtos, another union organizer, also said he was asked by a foreman to bring friends to the ranch with him. He was not paid for bringing the extra workers, but he said the foremen are given $50 for each new worker brought in.

In a written statement, Castro's brother, Enrique, who was picked up with eight other workers by the INS on Monday, said he was paid by another foreman to bring friends to the ranch.

The statement was written at the request of the union, which is gathering complaints about recruiting practices.

More than 60 illegal aliens have died in a hellish desert corridor in

— Strikers, A18

Strikers

Continued from A1

southwestern Arizona during the past five years. The illegal aliens, mostly young Mexican men, died while trying to walk 50 miles without water from the Mexican border to Interstate 8 in Yuma County, according to Sgt. Mike Weeks of the Yuma County Sheriff's Office.

As a condition of settling the strike, which began Monday, the Arizona Farm Workers Union has asked the bank to consider compensating the families of the illegal aliens who died attempting to reach the ranch.

Other conditions are minimum salary for workers and the establishment of the federal government's "H-2" program, which would allow the ranch to bus the alien workers in legally.

That program permits employers to hire foreign workers if a domestic work force cannot be raised.

However, a statement issued Tuesday by Valley National said the bank is only the temporary owner of the ranch, which was acquired because of a loan default several years ago.

The statement said the bank "must by federal banking law dispose of it as quickly as is feasible; therefore, the bank is not the appropriate owner to determine whether or not the ranch is to be a union operation."

The ranch was closed to outsiders Friday but reopened Tuesday by a court order.

The workers cheered when Lupe Sanchez, the union's executive director, visited the ranch Tuesday morning to outline the organization's stand.

Many of the strikers crowded around Sanchez to show him their pay stubs, contending that the time recorded there was less than the actual hours worked. Many of the stubs also had all zeros in the space for the Social Security number.

Meanwhile, a search Tuesday for bodies reported spotted in the desert over the weekend turned up only clothing.

Searchers who were looking in an area pinpointed by an illegal alien found a pair of pants, a shirt, underwear and shoes.

The clothing was torn up but showed no signs of blood. In addition, there were tufts of long brown hair near the clothing but nothing else.

About 60 bodies or skeletal remains have been recovered since 1980 in a 40-mile-wide area bounded by Dateland on the east and Wellton on the west, according to Weeks. More than 30 other people have been reported missing but never found.

Others go unreported because the illegal aliens who spot the bodies fear dealing with the police, Weeks said.

Michael Meister/Republic

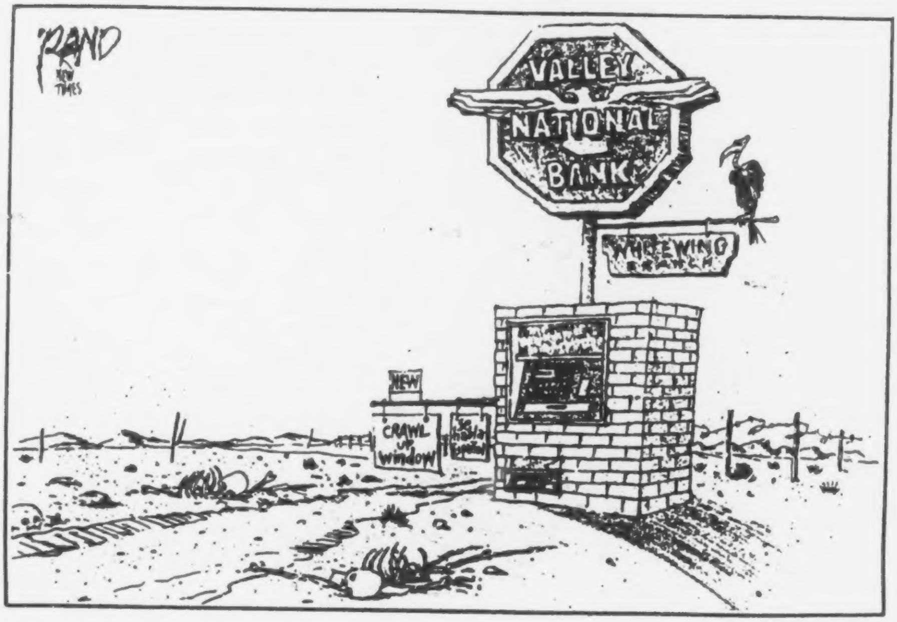
Lupe Sanchez, executive director of the Arizona Farm Workers Union, gestures as he talks with strikers at the Whitewing Ranch. He visited the ranch Tuesday to outline the organization's stand.

AZ Republic
Sept. 18, 1985

New Times

Volume 16
Number 50
Phoenix, Arizona
December 11-17, 1985

The Valley's News and Arts Journal


RAND
NEW TIMES
VALLEY
NATIONAL
BANK
WHITEWING
BRANCH
NEW
CRAWL up window
Se habla Español

Ranch proposes busing laborers, farm union says

U.S. praises Yuma County company but says aliens still will die in desert

B2 THE ARIZONA REPUBLIC
Tuesday, June 17, 1986

By **ANDY HALL**
and **GUY WEBSTER**
Arizona Republic Staff

Operators of a Yuma County ranch are proposing to bus workers from Mexico under a federal program that, according to officials of Arizona's largest farm-workers union, is the key to reducing the number of illegal aliens who die in the desert walking to the ranch.

But U.S. immigration and union officials, although praising Whitewing Ranch Management Co.'s decision, cautioned that illegal aliens will continue to perish in one of the deadliest stretches of the U.S.-Mexico border, even if the ranch no longer employs illegal aliens. Federal and local authorities have found four bodies in the area this year, all this month.

"It is not a panacea for the immigration problems of our country," said Dale Cozart, chief agent of the U.S. Border Patrol's Yuma office. "But it is a starting point."

Ranch officials did not return a phone call.

An executive of Valley National Bank, owner of the ranch, in a rare interview last year had said participating in the program would be too expensive and called it a "superficial idea."

The plan is in U.S. Labor Department records in San Francisco, where a department spokesman said Monday that the ranch was seeking permission to hire 93 guest workers.

The ranch's application for the "H-2" program requests citrus harvesters, irrigators and machine operators beginning in August, said Steve Brown, a Labor Department spokesman.

Before the application is approved, the Labor Department, DES and Whitewing will try to locate domestic workers through newspaper ads and job-placement offices.

The Labor Department, after a 60-day search, would inform the federal Immigration and Naturalization Service that not enough domestic workers are available. The INS would have final say on whether to approve the application.

In March, Harold Ezell, Western regional INS commissioner, urged Arizona residents to start a letter-writing campaign to pressure bank officials to get rid of illegal aliens.

But Monday, informed of the decision, he said, "I think they should write to the bank and congratulate them," calling the change a "pro-American, pro-business, good decision" that eventually will reduce the number of desert deaths.

The remains of at least 60 illegal aliens have been found since 1980 in the desert south of the Dateland ranch, and countless others are in the desert south of the ranch, and many others are feared dead. Whitewing lies just north of a desert corridor 40 miles wide and 50 miles long that includes six miles of sand dunes and ground-level temperatures already exceeding 120 degrees.

— Ranch, B2

Officials of the Arizona Farm Workers Union have charged that some of those who died had been illegally recruited by ranch employees in the United States and Mexico. Bank officials have denied the charge.

Investigations of the union's claim are continuing by the U.S. Border Patrol, the U.S. attorney's office and a federal grand jury in Phoenix.

"We don't have a comment, based on the fact that it's still in litigation," said Steve Roman, a bank spokesman.

Don Devereux, a union spokesman, called the application "certainly the most important" change since the union began calling attention to the desert deaths in September. At the time, the union dropped its usual opposition to the guest-worker program and urged that it be adopted by the ranch.

"We feel that with proper advertising (in Mexico), it will take about a year to really shut the flow down," Devereux said, offering to use union money to help pay for the ads.

Bill Tanner, a former Valley National Bank executive who supervised the bank's Whitewing Ranch account until his retirement early this year, said in December that participating in the H-2 program would be too expensive.

He faulted "this superficial idea that Whitewing or any other farming operation can blithely go into the H-2 program."

"It would jack the costs by 40 percent," he said.

In addition to raising wages to $4.20 from $3.65 an hour, the added costs include transportation from the border and guaranteed work time, Tanner said.

"The total disappearance of the Whitewing Ranch would not stop people from using that port of entry to cross the desert," Tanner said. "We do not recruit in Mexico. If some Mexican tells his buddies that they can probably get a good job picking lemons if they come around the first of November, what can we do about that?"

TUESDAY, MAY 6, 1986

B2 THE ARIZONA REPUBLIC

Team formed to halt alien deaths in desert corrido

3 squads will hunt for illegals missing along 50-mile swath

By ANDY HALL
Arizona Republic Staff

U.S. Border Patrol agents, fearing that record death tolls could result from a rising flow of illegal aliens, announced Monday that a special squad will scour an Arizona desert corridor regarded as one of the most treacherous on the nearly 2,000-mile-long U.S.-Mexico border.

The 18-member Desert Area Rescue Team, thought to be the first of its type in the nation, will search for illegal aliens who are reported missing or in trouble in the 50-mile walk from the border to Interstate 8 in the Tacna area of southwestern Arizona, Dale Cozart, chief patrol agent of the Border Patrol's Yuma sector, said at a Phoenix news conference.

Agents from the patrol's Yuma office, after studying landmarks in the corridor, will form three ground units to back up Tacna agents and administer first aid to stranded illegal aliens, Cozart said. The searches would begin after illegal aliens were reported in trouble, such as running short of water, he said.

"This is solely for humanitarian purposes," Cozart said. "If we were trying to increase the number of apprehensions, I would deploy the agents differently."

Nearly 500 illegal aliens were caught in April in the Tacna area, twice the number caught in April 1985, he said.

Without the team, Cozart said, agents "simply are not going to be able to handle the numbers in the area this year."

Formation of the squad comes seven months after the Arizona Farm Workers Union alleged that many of the more than 60 illegal aliens whose remains have been found in the area since 1980 had perished while trying to walk to Whitewing Ranch, which is owned by Valley National Bank.

Probes by the Border Patrol, the U.S. Attorney and a federal grand jury continue into ranch recruitment practices.

Bodies and skeletal remains of about 25 people, including several children, were found in the area last year by law-enforcement authorities, said Don Devereux, a spokesman for the Farm Workers.

The death toll this year apparently has begun earlier than usual. An illegal alien crossing the area in late April reported finding two fresh corpses and a skeleton, he said. The bodies have not been found.

Also this year, four people who likely would have died without help have been rescued, Johnny Williams, deputy Border Patrol agent for the sector, said in a telephone interview.

Devereux said the union welcomes the creation of the squad, but added, "I would much prefe
see some way to keep people fr
coming, rather than trying to s
them while they're dying."

Officials at the Mexican con
ate at Calexico, Calif., have pr
ised to place warnings in pu
places and in the news media
northern Mexico to warn pe
against trying to cross the area.

Ronald Dowdy, Western regi
assistant commissioner for the
der Patrol, and Jerald Jondall, c
patrol agent of the Border Pat
Tucson sector, said at the n
conference that apprehensi
along the Mexican border in
zona and California in April
up more than 53 percent over
same period last year, top
100,000 for the first time.

STATEMENT

I.RAMON HIGUERA COTA, a former employee of the Whitewing Ranch, make the following statement which is true to the best of my knowledge:

1. I am a resident of Sinaloa de Leyva, Sinaloa, Mexico.
2. I have worked at the Whitewing Ranch for approximately 8 years.
3. On many occasions Mr. Brown,a foreman, has asked me to bring workers from Mexico to work at the Whitewing Ranch.
4. Every year when I would cross the desert to work at Whitewing I would bring one or two workers with me. Idid not, however, bring any workers with me for the last two years.
5. Ihave been to the park in San Luis Rio Colorado and have seen Jose Valencia, a Whitewing foreman who lives in San Luis, and Galindo sitting on the bench and talkingto workers. Later I have seen these workers at the Whitewing Ranch.

Dated this 3rd day of October, 1985.

I, ENRIQUE RODRIGUES, speak and write both English and Spanish. On the 3rd day of October, 1985, Itranslated this statement for Ramon Cota from Spanish to English.

AFFIDAVIT

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

CANDIDO CORADO GONZALEZ states the following statement is true and correct to the best of my knowledge:

1. I am a resident of Carroza Comapa Jutiapa, Guatamala.
2. On or about the middle of July I arrived at San Luis Rio Colorado, Sonora, Mexico with my friend Enrique Castro.
3. We travelled to the park in San Luis Rio Colorado and met a man there called "Galindo". Enrique told me that Galindo works at the Whitewing Ranch.
4. Galindo told us he would be going to the Whitewing Ranch . Enrique told him that I needed to ride to Buckeye, Arizona. Galindo said he would check with Jose Valencia, a foreman at the Whitewing Ranch, to see what he would charge to bring me to Buckeye.
5. I saw Galindo and Jose Valencia talking together at the park. Galindo told me he would charge me $250 for a ride to Buckeye.
6. I did not travel with Galindo because I thought that was too much money to charge.
7. Enrique and I travelled to El Saguaro, on the United States/Mexican border and crossed the border, heading for the Whitewing Ranch near Dateland, AZ.
8. Approximately 3 days later, we arrived at the Whitewing Ranch. There I met a man who offered to drive me to Buckeye free of charge.

Dated this 12th day of November.

Candido Corado Gon
Candido Corado Gonzalez

I, JOAQUIN LIRA, read and speak both English and Spanish. On the 12th day of November, 1985 I transleted this statement from Spanish to English. Joaquin Lira

SWORN AND SUBSCRIBED to before me this 12th day of November, 1985.

My Commission Expires:

OFFICIAL SEAL

Notary Public

Laurie A. Martinelli

STATEMENT

I. ENRIQUE CASTRO ACOSTA, state the following statement is true

1. I am a resident of Bauurias, Sinaloa, Mexico.

2. On or about August 18th I crossed the U.S./Mexican border in El Sahuaro. I
I walked about 65 miles during two nights and three days.

3. I arrived at the rest area near Dateland at approximately 3 a.m on August 21,1985

4. Ramon Hau, crew foreman, lives in San Luis, Sonora, Mexico. One weekends he usually would go home and is known to recruit workers in San Luis, Mexico.

5. One weekends, Ramon Hau also would take 2 or 3 passengers to San Luis and would charge them $20.00 each for the ride.

Dated this 23 day of September, 1985. Enrique Castro A

I. ENRIQUE RODRIGUES, speak and write both English and Spanish. On this 23 day of September, 1985 I translated this statement for Enrique Castro Acosta from Spanish to English.

Enrique Rodriguez

STATEMENT

I. RAFAEL CASTRO ACOSTA, declare that this statement is true and correct to the best of my knowledge:

1. I am a resident of Sinaloa de Leyva, Sinaloa, Mexico.
2. I have worked four years at the Whitewing Ranch in Dateland, Arizona.
3. I have personal knowledge that Isidro Escutia has brought people to work at the Whitewing Ranch.
4. Throughout the 1981-1985 seasons, Escutia has brought workers to Whitewing Ranch.
5. The last time I witnessed this was during the last week of August, 1985 when I saw Escutia arrive with 6 or 7 men. Almost always, Escutia arrives with men who have never worked at the Whitewing Ranch before.
6. I have been told by these men that Escutia charges them for bringing them to the Whitewing Ranch.

Rafael Castro A.

I. ENRIQUE RODRIQUES, Read and speak both English and Spanish. On this 3rd day of October, 1985, I interpreted this statement for Rafael Castro from Spanish to English.

Dated this 3rd day of October, 1985.

STATEMENT

I. CECILIO VARGAS, declare the following is true and correct to the best of my knowledge:

1. I am a resident of Santa Barbara de Chihuahua, Chihuahua, Mexico.
2. I have worked four years at the Whitewing Ranch in Dateland, Arixona.
3. Ihave personal knowledge that Isidro Escutia has brought people to work at the Whitewing Ranch and on two occasions I have witnessed this.
4. The first occasion was in December of 1983 when Isaw Escutia arrive at Whitewing with 4 workers.
5. The second time was on or about the 29th of August, 1985 when I saw Escutia arrive at Whitewing with 6 or 7 men.
6. On one occasion in 1984, Isidro Escutia told me that it did not matter if workers were picked up by Immigration because he would make his money as a coyote anyway.

Dated this 7th day of October, 1985

Cecilio Vargas

I. ENRIQUE RODRIQUES, READ AND SPEAK BOTH English and Spanish. On this 7th day of October, I translated this statement for Cecilio Bargas from Spanish to English.

Enrique Rodriguez

STATEMENT

I. RAMON HIGUERA COTA, declare the following is true and correct to the best of my knowledge:

1. I am a resident of Sinaloa de Leyva Sinaloa, Mexico.
2. I have personal knowledge that Isidro Escutia has brought workers to the Whitewing Ranch in Dateland, Arizona.
3. On two occasions, I have seen Escutia bring people to Whitewing.
4. The first occasion was in September of 1981,,when I observed Escutia arrive at the Whitewing Ranch on foot with two workers..Escutia brought these workers to Joel Arcos crew.
5. The second occasion was during the last week of August, 1985 when Escutia told me that he had just brought two workers from Mexico and had turned them over to Mr. A.B. Brown.

Dated this 7th day of October, 1985.

RAMON Higuera

I. ENRIQUE RODRIQUES, speak and write both English and Spanish. On this 7th day of October, I interpreted this statement for Ramon Cota from Spanish to English.

STATEMENT

I, CARLOS COBARUBIA MESA, state the following statement is true and correct to the best of my knowledge:

1. That I am a resident of Pablado 7, Sinoloa.
2. That on or about April 21, 1986 at approximately 2 p.m. I crossed the U.S./Mexico border at El Sahuaro with 2 other workers.
3. That on this day, approximately 17 miles from the border, I saw a body "face down" in the sand, completely dressed with pants and a shirt. This body appeared to have been there for about 10 days as there were dry blood spots around it.
4. That on April 22, 1986, at approximately 9 am, 12- 13 miles from the first body, I saw another body. This body was wrapped in a white sheet. I did not go near it so I cannot tell how long it had been there.
5. That on this same day, approximately 10-12 miles from the second body, I encountered a third body. This body was buried under rocks but I could see the skeleton. It appeared to have been there for a long time.
6. That on or about April 23, 1986, in the early morning hours, we arrived at the Aztec camp near Dateland, Arizona.
7. That I have crossed this part of the desert six times before and this is the first time I have seen bodies.

Signed this 1st day of May, 1986

X C C
Carlos Cobarubia Mesa

I, ALFONSO MORIN, speak both English and Spanish and on this 1st day of May, 1986, I translated this statement for Carlos Cobarubia Mesa from Spanish to Enblish. Alfonso Morin

STATEMENT

I. MIGUEL COTA, state the following statement is true to the best of my knowledge:

1. I am a resident of Sinaloa de Leyva, Sinaloa, Mexico.
2. On or about January 10, 1985 I and my second cousin, Roberto Cota, along with 3 other workers crossed the desert to work at the Whitewing Ranch. It took us two days and one night to reach Dateland, AZ.
3. We worked at Whitewing for about one week at which time my cousin Roberto asked Mr. Brown if he could bring his wife, Norma, to work at the Whitewing Ranch. Roberto told me that Mr. Brown said he could go to Mexico and bring his wife and that Mr. Brown would prepare a trailer for them. Robert then left for Mexico.
4. On or about January 20, 1985, my second cousin, Roberto Cota, Norma Rodriguez, and two other male workers crossed the desert to work at the Whitewing Ranch. They crossed the U.S./Mexican border at El Sahuaro and spent three days and two nights crossing the desert. When they reached the rest area near Dateland, AZ, they called the foreman, Jesus Valencia and asked him to come and pick them up.
5. I was at the labor camp at the ranch on or about January 23, 1985 when Jesus Valencia arrived with the workers in his brown colored truck.
6. On or about August 1984, I arrived at San Luis Rio Colorado and met up with Ramon, a foreman at the Whitewing Ranch. At this time Ramon told me there was work at Whitewing and that I should go there.
7. I told him I would go but that I first wanted to visit my family in Sinaloa. I stayed with my family for four days then crossed the desert to get to the Whitewing Ranch.

Dated this 30th day of September, 1985.

Miguel Cota Rodriguez

Vus Owens

Case No 6742-86

JUN 1 3 1986

YUMA COUNTY SHERIFF'S DEPARTMENT
P O Box 110 Yuma, AZ 85364
INCIDENT REPORT

Case No Y-6742-86

ure of Offense: DECEASED PERSON/ILLEGAL ALIEN
Date Occured: 6/9/86
Time Occured: Unknown
Officer Assigned: Sgt.Weeks
Date Assigned: 6/9/86

cation of Occurance: along the Papago Wells Road north end of 25 miles south of I-8, the Sierra Pintas Mountains.
Copies To: ME

son Reporting ( ) Same as Victim: CHARLES HOWARD MARCUM ✓
Address ( ) Same as Victim: 1312 11th Avenue, Yuma
Phone No

w Reported: Phone ( ) On sight ( ) Other ( ) Walk in
Reported to: KOA 832
Date Reported: 6/9/86
Time Reported: 0831
Time Arrived: 1100

No 1
Last First Middle: JOHN DOE MEXICAN
Race: M
Sex: M
DOB: Unknown
Home Phone
Address: Somewhere in Mexico
Employer: Unknown
Work Phone

No 2
Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

V Victim
W Witness
S Suspect
O Other

Code Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

Code Last First Middle
Race Sex DOB
Home Phone
Address
Employer
Work Phone

V Victim
W Witness
S Suspect
O Other

Code Year Make Model Color License No State Vin No
R/O
Address
Phone No

Code Year Make Model Color License No State Vin No
R/O
Address
Phone No

SYNOPSIS: The body of an unidentified mexican male was found at the base of the Sierra Pinta Mountain Range by a couple of campers. There was no I.D. on the victim.
Victim appeared to have died from exposure to the elements.

YUMA COUNTY SHERIFF'S DEPARTMENT

CASE NO

NARRATIVE

0831, Body reported to YCSO and Border Patrol
0932, M.E. Dr. Alvarez gave permission to remove bodies to Mortuary.
0940, Tri Valley notified body van requested.
1100, arrived on the scene at Sierra Pintas Moutains.
1132, enroute back to civilization with the deceased.
1335, bodies enroute to Mortuary.

6/9/86 I met MR. CHARLES MARCUM at the Tacna Border Patrol station in Tacna, Arizona. MR. MARCUM reported to me that while camping in the Sierra Pintas he had discovered a body near a mine shaft.

MR. MARCUM showed Agent Joe McCraw and myself the location on the map.

Agent Joe McCraw and myself left and proceeded to the Sierra Pintas Mountain Range. 1100 hours the body of a mexican male was found laying under a mesquite tree. It appeared to have been deceased for about a week. No ID was found.

The body was taken to Johnson's MOrtuary per M.E.'s request.

No signs of foul play.

Appears to have died from exposure.

CASE CLOSED...

65-594 379

Sgt. Mike Weeks/dm

JUN 0 9 1986

YUMA COUNTY SHERIFF'S DEPARTMENT
P.O. Box 110, Yuma, AZ 85364
INCIDENT REPORT

Case No. Y-6592-86

Nature of Offense: DECEASED PERSON/ILLEGAL ALIEN
Date Occured: 6/5/86
Time Occured: Unknown
Officer Assigned: Sgt.Weeks
Date Assig: 6/6/86
Location of Occurance: 15 miles south of Tacna, Arizona, 13 miles east of Avenue 40E
Copies To
Person Reporting: U.S. BORDER PATROL ✓ ( ) Same as Victim
Address ( ) Same as Victim
Phone No
How Reported: ( ) Phone ( ) On sight ( ) Walk in XX Other Radio
Reported to: Sgt. Weeks
Date Reported: 6/6/86
Time Reported: 1212
Time Arri: 1340

VICTIMS

No 1 Last First Middle: JOHN DOE MEXICAN
Race: M
Sex: M
DOB: Unknown
Home Pho
Address: Somewhere in Mexico
Employer: 24-26 YOA
Work Pho

No 2 Last First Middle
Race Sex DOB
Home Pho
Address
Employer
Work Pho

OTHERS
V Victim
W Witness
S Suspect
O Other

Code Last First Middle Race Sex DOB Home Pho
Address Employer Work Pho
Code Last First Middle Race Sex DOB Home Pho
Address Employer Work Pho

VEHICLES
V Victim
W Witness
S Suspect
O Other

Code Year Make Model Color License No State Vin No
R/O Address Phone No
Code Year Make Model Color License No State Vin No
R/O Address Phone No

SYNOPSIS: 6/6/86 I was advised by the U.S. Border Patrol that a deceased alien was found in the Tule Desert along the side of the Big Pass, Mohawk Drag Road. The location is approximately 20 miles southeast of Tacna, Arizona. The victim died from exposure to the elements. No I.D. was found on the victim.

YUMA COUNTY SHERIFF'S DEPARTMENT

CASE NO

.IVE

.me of reporting: 1212 hours
.ime Dr. Mallon notified & permission to remove, 1213 hours.
Time of arrival on scene, 1340 hours.
Time enroute back with victim, 1350 hours.
Time of arrival in Tacna, Arizona 1445 hours.
Time body was left to County Morgue, 1530 hours.

6/6/86 I went with the U.S. Border Patrol into the Tule Desert to pick up the remains of an illegal alien that died from exposure. The body was found along the big pass drag road near Papago Wells Road. The victim was laying face up with his feet towards the north. He was under a mesquite bush. The subject had no I.D. or anything else on him. The Border Patrol had tracked the subject and concluded that he was walking alone. Dr. Mallon gave permission to remove the body to the morgue at Yuma Regional Medical Center. The body was taken by us to Tacna, Arizona where Tri-Valley body van transported to the morgue. The body was 15 miles south of Tacna and 13 miles east of Avenue 40E.

CASE CLOSED...

65-594 381

Sgt. Mike Weeks/dm

JUN 1 0 1986

YUMA COUNTY SHERIFF'S DEPARTMENT
P.O. Box 110, Yuma, AZ 85364
INCIDENT REPORT

Case No Y-6744-86

744-86

Nature of Offense DECEASED PERSON/ILLEGAL ALIEN	Date Occured 6/9/86	Time Occured Unknown	Officer Assigned Sgt. Weeks	Date Assig 6/9/86
Location of Occurance M.P. 767.5 on Southern Pacific tracks Tucson line, east of Mohawk Pass				Copies To I-8
Person Reporting ( ) Same as Victim U.S. Border Patrol	Address ( ) Same as Victim Tacna, Az.,			Phone No
Reported Phone ( ) On sight ( ) Other XX Walk in	Reported to Sgt. Weeks	Date Reported 6/9/86	Time Reported 0932	Time Arr 1315

VICTIMS

No 1	Last JOHN DOE MEXICAN	First	Middle	Race M	Sex M	DOB	Home Pho
	Address Somewhere in Mexico			Employer			Work Pho
No 2	Last	First	Middle	Race	Sex	DOB	Home Pho
	Address			Employer			Work Pho

OTHERS
V Victim
W Witness
S Suspect
O Other

Code	Last	First	Middle	Race	Sex	DOB	Home Pho
Address				Employer			Work Pho
Code	Last	First	Middle	Race	Sex	DOB	Home Pho
Address				Employer			Work Pho

VEHICLES
V Victim
W Witness
S Suspect
O Other

Code	Year	Make	Model	Color	License No	State	Vin No	
R/O			Address					Phone No
Code	Year	Make	Model	Color	License No	State	Vin No	
R/O			Address					Phone No

SYNOPSIS: The body of a male (possibly mexican descent) was found by the USBP patrol south of the railraod tracks near MIle Post 767.5 on the SP Tucson line. The body appeared to have died from exposure.

YUMA COUNTY SHERIFF'S DEPARTMENT

CASE NO

.ATIVE

332, body reported to Border Patrol

0932, M.E. Dr. Alvarez gave permission to remove both bodies (Y-6742-86).

1315 hours, 10-97 with deceased.

1332, 10-98.

6/9/86 Agent Joe McCraw of the Tacna Border Patrol station advised me that one of their units spotted a deceased person south of the railroad tracks east of the Mohave rest area. We arrived at the scene. The body was located in a deep wash on the south side of the tracks. The body was almost completely dried. It appears that the victim died from exposure to the heat of the desert. The body was laying face down under a mesquite tree. No identification was found on the remains. Photos were taken and the remains sent to the mortuary per M.E. request. The remains is that of a male subject possibly mexican in descent. No sign of foul play noted.

CASE CLOSED...

65-594 383

Senator HECHT. Thank you very much. Your entire statement will be part of the record.

Mr. Charles Callison, please.

STATEMENT OF CHARLES H. CALLISON, DIRECTOR, PUBLIC LANDS INSTITUTE, NATURAL RESOURCES DEFENSE COUNCIL AND NEVADA OUTDOOR RECREATION ASSOCIATION

Mr. CALLISON. I will start off by saying thank you, Mr. Chairman. I am authorized to speak, also, for the Nevada Outdoor Recreation Association, whose director is your constituent, Mr. Charles S. Watson, Jr. With my written testimony, I will file a letter from Mr. Watson which encapsulates some of the views of his organization on what he calls the Afghanistanization of the Southwest.

Mr. Chairman, the history of military reservations in the West shows that the armed services always ask for more land than they really need. That was the reason the Engle Act was passed in 1958. I was around when the Engle Act became law and testified at the hearings on it, at that time as conservation director of the National Wildlife Federation.

That was one of the reasons, also, for the limitations on public land withdrawals written into the Federal Land Policy and Management Act. Those laws enable Congress, as custodian of the public lands, in behalf of the whole public, to examine the demands of the military carefully to see to it that the withdrawals are not excessive and further that in their games and maneuvers and construction, they do not unnecessarily damage the land and its wildlife, nor unnecessarily force ranchers, miners, hunters, fishermen, hikers, and other recreationists off those public lands.

We respectfully urge this subcommittee, Mr. Chairman, to examine the requests carefully and insert language in S. 2412, or whatever bill comes out of this committee, to protect the public's own stake in the lands better than the present text does.

We also repeat the recommendation made by Mr. Smith that you favorably consider writing in wilderness status for the parts of the Desert National Wildlife Range in Arizona and the Cabeza Prieta National Wildlife Refuge in Arizona that qualifies wilderness, in substantial parts do.

There seems to be a misconception about the value as well as the ownership of the public lands coveted by the military. These are not wastelands, and they are not free for the taking or for Congress to give away. The owners are the American people. And in addition to their environmental amenities, they are worth to the public for recreation and esthetic pleasure, they have real measurable monetary value for their minerals, forage, timber, and water.

If Congress is going to give its blessing to the Air Force, taking of the 89,000-acre Groom Range, it is only fair that Congress mitigate this loss to the public by directing and funding the acquisition of the Husite tract, part of the land owned by the Summa Corp., near Las Vegas, as a buffer and addition to BLM's Red Rock Canyon preserve and recreation area.

Red Rock Canyon is heavily used by Las Vegas residents and visitors, and the preservation of the adjoining Husite open space, fortunately still unspoiled, would be an environmental guarantee of incalculable value.

Such an exchange, the public's Groom Range for the Husite tract to become public property, has been proposed and is widely supported in Nevada, as you know, Senator Hecht.

Thank you, again, for the opportunity to testify.

[The prepared statement of Mr. Callison follows:]

Public Lands Institute

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415/421-6561

July 17th, 1986

Statement by Charles H. Callison, Director, Public Lands Institute, a Division of the Natural Resources Defense Council.

To the Subcommittee on Public Lands, Reserved Water and Resource Conservation

---

I thank you for the opportunity to testify on S. 2412, an omnibus bill to withdraw extensive areas of public lands in the Southwest and in Alaska for military purposes. I am authorized to speak also for the Nevada Outdoor Recreation Association whose Director is Mr. Charles S. Watson, Jr. With my written testimony I will file a letter from Mr. Watson which encapsulates some of the views of his organization on what he calls the "Afghanistanization" of the Southwest.

Mr. Chairman, the current and planned expansion of military operations in Nevada, southern California, Arizona and New Mexico, and even extending into Utah, Idaho and Oregon, impact both private and public lands and can affect human health and welfare in a devastating way. Ask the residents of Dixie Valley in Nevada. There and elsewhere citizens have been subjected to sonic pressures from low-flying supersonic aircraft powerful enough to knock a man flat and burst his eardrums. And the Supersonic Operations Areas (SOAs) expand constantly far beyond the surface land withdrawals which

PUBLIC LANDS INSTITUTE IS A DIVISION OF NATURAL RESOURCES DEFENSE COUNCIL, INC.

are themselves massive enough to contain all the essential training operations.

The history of military reservations in the West shows that the armed services always ask for more land than they really need. That was the reason the Engle Act was passed in 1958.

I was around when the Engle Act became law and testified at the hearings on it, at that time as conservation director of the National Wildlife Federation. That is one of the reasons also for the limitations on public land withdrawals written into the Federal Land Policy and Management Act. Those laws enable Congress, as custodian of the public lands in behalf of the whole public, to examine the demands of the military carefully and to see to it that the withdrawals are not excessive, and further that in their games and maneuvers and construction, they do not unnecessarily damage the land and its wildlife, nor unnecessarily force ranchers, miners, hunters, fisherman, hikers and other recreationists off those public lands.

We respectfully urge this subcommittee, Mr. Chairman, to examine the requests carefully and insert language in S. 2412, or whatever bills come out, to protect the public's own stake in the lands better than the present text does.

For example, most of the 2,945,000 acres proposed for the Nellis Air Force Range is a renewal of an expiring withdrawal, but it also includes 89,600 acres in the Groom Mountain Range that the Air Force simply seized illegally early in 1984 and has been occupying illegally, denying public entry, for more than two years, ignoring the required procedures of NEPA and the Engle Act.

Mr. Chairman, we urge this Committee of the Congress not to approve the Groom Range seizure until the Air Force has completed an Environmental Impact Statement on the entire Nellis withdrawal, with particular attention to the impact of removal of the Groom Range from public use.

Nellis overlaps a large part of the Desert National Wildlife Range, which preceded it in history, and which was established to preserve the endangered Nelson's desert bighorn sheep. This is one of the most important units of the National Wildlife Refuge System. As pointed out in a statement presented last March by William C. Raffalt of the Wilderness Society staff (a former chief of the Division of Refuges, U.S. Fish and Wildlife Service) at a House hearing on H.R. 1790:

The Desert National Wildlife Range "contains physiographic and faunal representations of both the Great Basin and Mohave Desert Biomes. No other single unit of our federal protected land management systems duplicates that representation. The refuge contains between 10% and 20% of the desert bighorn sheep found in the U.S. Further it contains about 50% of the Nelson's desert bighorn sheep found in Nevada. Other important elements of the ecosystem include the cougar, bobcat, ring-tailed cat, golden eagles, falcons, and the desert tortoise among many others. In all, the refuge hosts about 53 mammal species, 250 bird species, 31 reptiles and amphibians, and 1,000 plant species. There are important paleontological, archeological and cultural resources found in the areas to be designated as wilderness. Each year about 15,000 people hike, horseback ride, and otherwise use the refuge lands to gain a rewarding wilderness experience."

Yet the language of S.2412 would in effect de-establish this great refuge by making all other uses, including management of wildlife habitat, "secondary to military use of the lands" and in the same Section 3(a) giving the Pentagon ultimate control.

In 1971 the Fish and Wildlife Service proposed Wilderness status for major portions of the Desert National Wildlife Range. S. 2412 or any similar bill, if reported by this Committee, should be amended to place appropriate portions of the Wildlife Range in the National Wilderness Preservation System. This could be done without interfering with the essential operations of the Air Force.

We recommend wilderness status also be written in for qualifying parts of the Cabeza Prieta National Wildlife Range, which is totally within the 2,664,423-acre Luke Air Force Range withdrawal proposed for renewal in this legislation. Cabeza Prieta, home also for some desert bighorns as well as other endangered desert species, has co-existed with the Air Force for years; it can continue to do so without making its purposes and its resources "secondary to military uses."

The proposed Bravo-20 Bombing Range withdrawal for the Navy illustrates the range of environmental impacts that military operations can inflict on surrounding areas as well as on resources within the withdrawal boundaries. Other bombing target areas are nearby, raising the question why this 21,576-acre area is needed at all. This one, Bravo-20, lies adjacent to two Wilderness Study Areas that could well be destroyed as wilderness by naval air operations. The two are the Job Peak WSA (NV-060-127) and the Stillwater Range WSA

(NV-060-104). Both contain herds of desert bighorns, nesting raptors, pristine flora, desert-bound waterfalls and colorful canyons. The Navy has clearly demonstrated that it cannot control its exuberant young pilots or doesn't try to. Live bombs have been dropped in both the nearby Stillwater National Wildlife Refuge and in a wildlife management area operated by the Nevada Department of Wildlife. One of those bombs has not been recovered; it lurks menacingly beneath the surface of a waterfowl marsh.

Mr. Chairman, the lands and waters, the wildlife, the wilderness and scenery, the minerals and livestock ranges of Nevada are too important to the whole nation for the state to be condemned by the Pentagon with the blessing of Congress as a "national sarcrifice area." Spokesmen for the Pentagon have been quoted in the media as using that very phrase.

There seems to be a misconception about the value as well as the ownership of the public lands coveted by the military. These are not waste lands and they are not "free" for the taking or for Congress to give. The owners are the American people and in addition to their environmental amenities -- their worth to the public for recreation and esthetic pleasure -- they have real measurable monetary value for their minerals, forage, timber and water. If Congress is going to give its blessing to the Air Force taking of the 89,000-acre Groom Range, it is only fair that Congress mitigate this loss to the public by directing and funding the acquisition of the Husite (Summa Corporation) tract as a buffer and addition to BLM's Red Rock Canyon preserve and recreation area west of Las Vegas. Red Rock Canyon is heavily used by Las Vegas residents and visitors, and the preservation of the adjoining Husite open space, fortunately still unspoiled, would be an environmental guarantee of incalculable value. Such an exchange, the public's Groom Range for the Husite tract to become public property, has been proposed and is widely supported in Nevada.

Thank you again for this opportunity to testify.

URGENT

NATIONAL PUBLIC LANDS TASK FORCE
NEVADA OUTDOOR RECREATION ASSOCIATION, INC.
P.O. Box 1245
Carson City, Nevada
89702

July 7, 1986

Founded 1958
HONORARY LIFE MEMBERS
Charles S. Watson, Jr. Carson City, Nevada
Alvin McLane Reno, Nevada
Darwin Lambert Luray, Virginia
Bill Vincent Las Vegas, Nevada
Jeff Van Ee Las Vegas, Nevada
Howard Booth Las Vegas, Nevada
Nick Van Pelt Logan, Utah
Harold A. Kautrud Jamestown, North Dakota
Hugh C. McMillan Bedford, New York
C. Clifton Young Reno, Nevada
Richard Pough New York, New York
Marjorie Sill Reno, Nevada
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Richard Raymond Menlo Park, California
Russell Pengelly Burns, Oregon
James A. Corbett Tucson, Arizona
Clifton R. Merritt Denver, Colorado
Rex and Muriel Lund Unionville, Nevada
Leontine Nappe Reno, Nevada
William Meiners Boise, Idaho
Thorne Lane Cortaro, Arizona
Amy Mazza Reno, Nevada
Roscoe Poland San Diego, California
Roger Scholl Reno, Nevada
Drummond Pike San Francisco, California
Charles H. Callison Denver, Colorado
Charles H. Stoddard Minong, Wisconsin

+P. 435

Charles H. Callison
Public Lands Institute
% NRDC, Suite 300
1350 New York Ave., N.W.
Washington, D.C. 20005

Subject: "Afghanistanization" testimony/hearings.

Dear Charlie:

The House Armed Services Cmte. will hold hearings on "Bravo 20" legislation on July 16. Appreciate PLI agreeing to testify for NORA at Senate July 17 hearing--but, need PLI to speak for us at this House hearing as well.

Concerning the Senate McClure Bill. It addresses both "Bravo 20" and the Groom Range(as a part of Nellis Range). Top priority, of course, is programmatic EIS on future withdrawals and SOAs. KOA radio(Denver) aired a program on Continental Operations Range (COR). KOA alleged that DoD planned to create a "National Sacrifice Area" and cited latter as an actual DoD terminology. The scope of COR reportedly extends from Neb. & No. Dak. to Wash. state, California & Ariz.(with Nevada as the hub). At June 30 Nevada interim legislature hearing, Capt. Tofte(comdr. Fallon NAS) showed a slide--clearly indicating proposed Strike Univ. would extend to Wash., Ore., Idaho, Calif. & Ariz. Fallon was the focus for all of it.

The FAA will hold hearing on so-called "Hart Mtn. I & II" MOAs which encompasses 4 states(Ore., Nev., Idaho & NE Calif.). This hearing to be held at Lakeview, OR on July 15(6:30 PM) at Senior Citizens Comm. Ctr. Dr. Richard Bargen will appear--and unveil his proof--that this is in fact an SOA and tied to the COR. In 1974, Congress prohibited implementation of the COR concept.

Any legislation sanctioning the illegal Groom Range siezure must include requirement that the DoD indemnify the public for the loss of this acreage--by purchasing the W part of "Husite", a vital tract that intrudes into NE end of Red Rock Canyon complex near Las Vegas. Nevada officials may appear & suggest instead that the DoD buy a Lincoln Co. ranch for the Nevada Wildlife Dept. That must be opposed strenuously.

DIXIE VALLEY: two ~~rare~~ species of tui chub discovered in surface waters of valley. Both fishes found nowhere else in the world--and USF&WS source says they are extremely endangered(but, not yet on their official list). There are also 5 more endemic invertebrates in valley waters and alluvium. One of the chubs has been suggested as namesake for Howard Turley, who died of a heart attack as the result of SOA sonic booms in the area.

COYOTE SPRINGS: local USF&WS were never told of Ass't. USDI Sec. (Fish, Wildlife, Parks) Bill Horn's 45,298-acre land withdrawal at Coyote Springs. USF&WS told NORA "we had to read about it in the newspapers". Horn wrote the withdrawal order without a Sec. 7 (Endangered Species Act) analysis. Trust House Public Lands Subcmte. will oversight Horn on this(?)

Yours very sincerely,
Charlie
Charles S. Watson, Jr.
Director

CC: Phil Shabecoff/NY Times
Nobby Reidy/TWS
Brock Evans/Nat.Audubon

" IN MEMORIAM "
(NORA Founders)
Sumner L. Evans Sparks, Nevada
George Land Unionville, Nevada
Ernest Johnson Empire, Nevada
James G. Huber, Sr. Pioche, Nevada
George Kell Sparks, Nevada
Charles Rago Reno, Nevada
Howard DeHart Genoa, Nevada
(NPLTF Founders)
Paul M. Tilden Bethesda, Maryland
Carmelita Lowry St. Louis, Missouri
George Hudson Pullman, Washington
Gerald E. Forman Pt. Tobacco, Maryland

Senator HECHT. Thank you. Your entire statement and letter will be a part of the testimony. Thank you all for coming many long distances.

The last gentleman is Mr. Joe Danni, Homestake Mining Co.

STATEMENT OF JOE DANNI, HOMESTAKE MINING CO., ON BEHALF OF THE MINERALS EXPLORATION COALITION, ACCOMPANIED BY CORT LEE, MINERALS EXPLORATION COALITION

Mr. DANNI. Mr. Chairman, I understand you have a tight schedule, so I will be painlessly brief and summarize the statement that I think you have in front of you.

My name is Joe Danni. I am an employee of Homestake Mining Co. However, today I am speaking on behalf of the Minerals Exploration coalition. Joining me at the table is Mr. Cort Lee of the coalition. I appreciate the opportunity to appear before you today to address the issue of military land withdrawals and the relationship of those withdrawals to the minerals exploration industry. That relationship is complex, and we want to make two relatively simple brief related points.

First, the hard rock exploration industry is severely depressed. I refer you to the charts that you have in the packet and also that Mr. Lee has, which graphically depict how minerals drilling has been dramatically decreasing over the last one and a half decades.

Chart 1, which is what you are looking at, shows the amount of exploration drilling for each year since 1969. You will note that the amount of drilling has decreased since 1969 from approximately 30 million feet to an estimated 2 million feet in 1985. That is a drastic reduction of 1500 percent.

Chart 2, which overlays chart 1, indicates the rate of consumption of six metals during these same years, since 1969. The six metals depicted represent a cross section of both base and precious metals. You can see that overall, with some aberrations, but overall U.S. consumption of most metals, which does include imports, has remained relatively constant, while the domestic search for those minerals has collapsed.

Our second and related point is that access to withdrawn lands for the purpose of exploring for and producing hard minerals could, to some degree, improve this dire situation. The current depressed condition of the hard rock mineral exploration industry is caused by a number of interrelated factors. One of those factors, one significant factor, is the amount of high quality, public mineral lands that are unavailable for mineral exploration. Among those unavailable lands are those areas set aside for military uses.

To repeat, one of the reasons that the domestic mineral industry finds it difficult to compete with mineral imports is the opportunities for finding significant mineral deposits have been reduced by the decreasing availability of Federal lands for exploration. Military lands represent a part of this problem. Many contain high-quality mineral areas that have not been explored for over half a century.

In response, Senator, to mutual concerns regarding access to our national strategic and nonstrategic minerals base, representatives from the armed services, the Interior Department, congressional staff, and the mining community—including the American Mining Congress, Nevada Mining Association, and others—have been involved in ongoing discussions to address possible mechanisms for hard mineral exploration on military lands.

We think we have made significant progress in this arena, which would include limited hard mineral exploration access while continuing military service control.

We do acknowledge that military use is the generally recognized dominant use for many of these withdrawn areas. If agreements to allow some access for mineral exploration purposes can be devised, then we could support their continued withdrawal.

As an aside, in reference to Senator Domenici's directive, we would be happy to assist staff, if asked, in preparing any appropriate language.

Thank you, sir.

[The prepared statement of Mr. Danni follows:]

TESTIMONY ON

S.2412

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

BY THE

MINERALS EXPLORATION COALITION

JULY 17, 1986

My name is Joe Danni. I am an employee of Homestake Mining Company; however, today I am speaking on behalf of the Minerals Exploration Coalition (MEC). The Minerals Exploration Coalition represents over sixty companies and individuals engaged in the exploration for hard minerals on federal lands.

I appreciate the opportunity to appear before you to address the issue of military land withdrawals, and the relationship of those withdrawals to the minerals exploration industry. Although that relationship is complex, we want to make two relatively simple, but related, points.

First, the hard rock mineral exploration industry is severely depressed. Activity is at the lowest point in years. I refer you to the attached charts which graphically depict how minerals drilling has been steadily and dramatically decreasing over the last one and a half decades.

Chart 1 shows the amount of exploration drilling for each year since 1969. Exploration drilling is a good indicator of the amount of effort that is being put into the discovery of new deposits to replace those that are being mined today. It can be looked upon as research and development that will lead to the production in future years. You will note that the amount of drilling has decreased since 1969 from approximately 30,000,000 feet to an estimated 2,000,000 feet in 1985. This is a drastic reduction of 1500%. Without a healthy domestic mineral exploration industry, the domestic mining industry, and in due course, a significant part of the foundation of our economy, will be seriously weakened.

Chart 2, which overlays Chart 1, indicates the rate of consumption of six metals during these same years since 1969. The six metals depicted represent a cross-section of precious and base metals, and include copper, gold, molybdenum, tungsten, and silver. You can see that, overall, U.S. consumption of most metals, which includes imports, has remained relatively constant, while the domestic search for new minerals supplies has collapsed.

This is an explicit indication of the current state of the minerals exploration industry in the United States. It is a foreboding indication this country may not be able to produce an adequate supply of minerals in the future. The impacts of this situation may not be felt in the near future because we can import adequate minerals supplies. However, it is probable that the United States will not always be able to exercise this luxury. If the mineral industry is allowed to continue to decline, it may soon reach the point where it will not be able to respond quickly, if at all, to future domestic demands.

Our second and related point is that access to withdrawn military lands for the purpose of exploring for and producing hard minerals could, to some degree, improve this dire situation. The current depressed condition of the hard rock mineral exploration industry is caused by a number of interrelated factors. Some of those factors you are well aware of, such as low metal prices on the international market, the high value of the dollar, and the higher level of operating costs in the United States as compared to other minerals producing nations. Another significant factor, however, is the amount of high quality public mineral lands that are unavailable for mineral exploration. Among these unavailable lands are those areas set aside for military uses.

The Chase Manhattan Bank has estimated that 30% of the lower forty-eight states have been effectively made unavailable for mineral exploration. If the focus is only on federal lands, then the percentage is much higher. The final report of the Task Force on the Availability of Federally Owned Mineral Lands (Office of Technology Assessment 1976) concluded that exploration for hard minerals was formally prohibited on 41.9% of total public domain. Mineral location was severely restricted on another 16.2% of federal lands. In view of subsequent withdrawals since 1976, access is even more restricted at the present time.

This committee cannot do anything about metals prices, the value of the dollar, or operating costs. You can, however, address in a significant fashion an element of the access situation by opening up portions of military lands for minerals exploration and development.

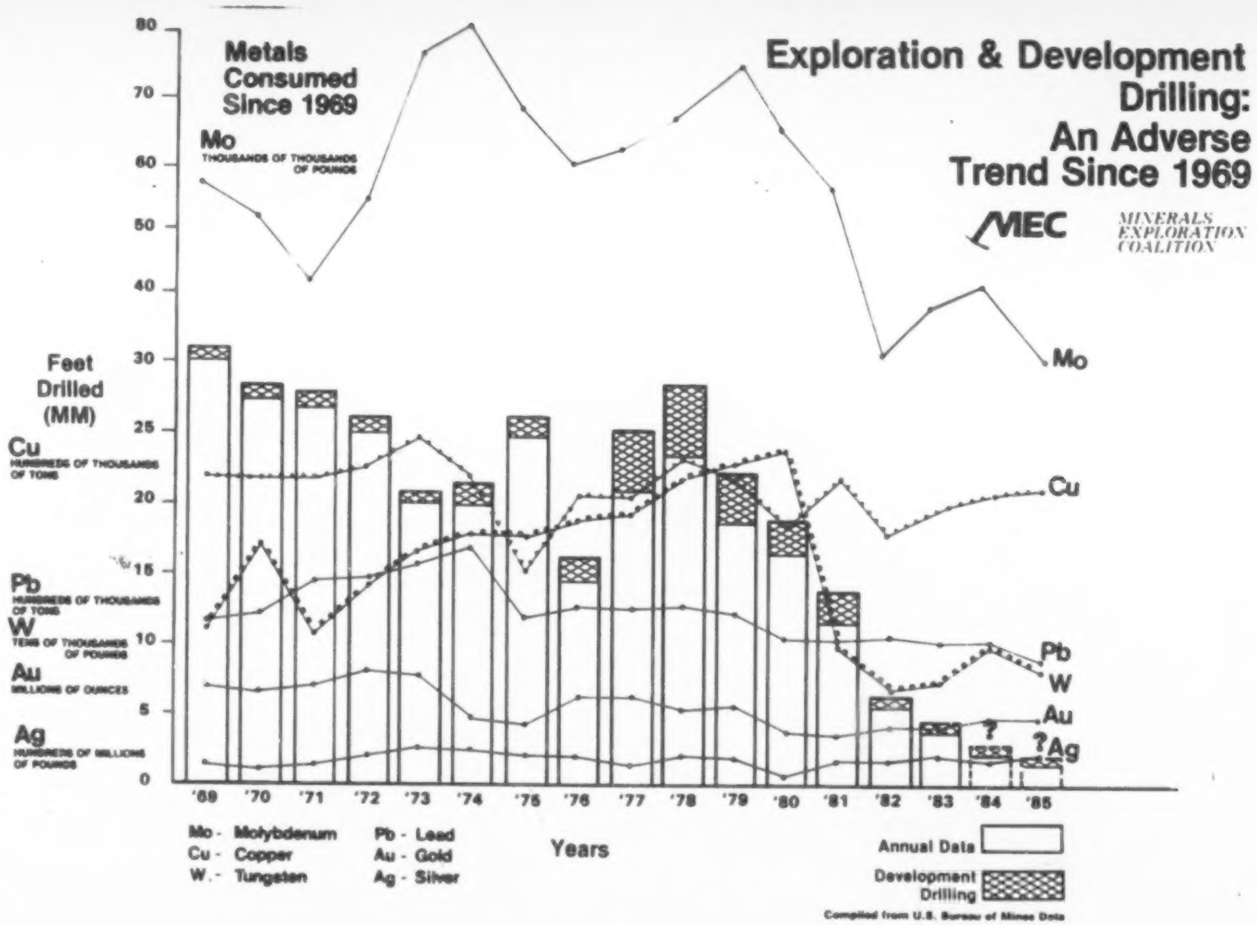
To repeat, one of the reasons that the domestic mineral industry finds it difficult to compete with mineral imports is that the opportunities for finding significant mineral deposits have been reduced by the decreasing availability of federal lands for exploration. Hard mineral explorationists are not permitted to explore many high quality mineral areas because they are located on withdrawn lands. Military lands represent a part of this problem. Many contain high quality mineral areas that have not been explored for half a century.

In response to mutual concerns regarding access to our national strategic and non-strategic minerals base, representatives from the armed services, the Interior Department, congressional staff, and the mining community have been involved in ongoing discussions to address the possible mechanisms for hard mineral exploration on military lands. Significant progress has been made in this arena and the tentative agreements being discussed would represent a significant breakthrough in allowing limited hard mineral exploration access.

The mining industry, including the American Mining Congress, state associations, and MEC will continue to work with the Department of Defense and the Interior Department in a cooperative spirit to develop solutions for mineral exploration access onto military lands. Because each military facility differs in many respects, each will require individual agreements to provide for orderly entry by the mineral community and administration by the Departments of Defense and Interior.

We acknowledge that military use is the generally recognized dominant use for many of these withdrawn areas. If agreements to allow some access for mineral exploration purposes can be devised, then we could support their continued withdrawal.

Thank you for your time and consideration.



Compiled from U.S. Bureau of Mines Data

Senator **Hecht**. Thank you.

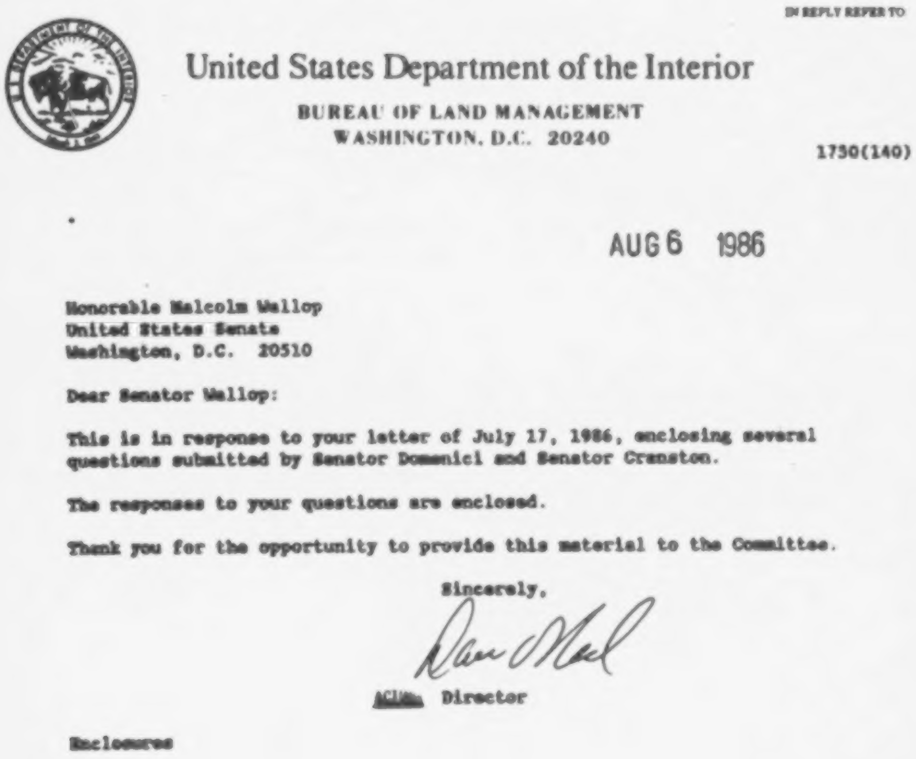
Thank all of you for coming and testifying. The hearing is adjourned.

[Whereupon, at 12:08 p.m., the hearing was adjourned.]

APPENDIXES

Appendix I

Responses to Additional Committee Questions



IN REPLY REFER TO

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

1730(140)

AUG 6 1986

Honorable Malcolm Wallop
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

This is in response to your letter of July 17, 1986, enclosing several questions submitted by Senator Domenici and Senator Cranston.

The responses to your questions are enclosed.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Acting Director

Enclosures

ANSWERS TO QUESTIONS SUBMITTED BY SENATOR DOMENICI

Q. 1. Could you please describe current BLM grazing practices on McGregor Range?

A. On the McGregor Range, BLM is responsible for the grazing use and the Department of the Army is in charge of security and access in and out of the range. Grazing in the McGregor Range currently is leased under a bidding system whereby the highest acceptable bidder signs a grazing contract with BLM. Grazing use runs anywhere from 9 to 18 months. Based on current utilization studies and historical livestock use, the carrying capacities are set each year for those units available for grazing. The units are put up for bid each September.

Q. 2. Many of the local ranchers, who traditionally have been the users of the Range, are concerned about the current grazing practices. They feel that the current bidding system gives an advantage to persons from outside of the area. Is it possible for this land to be administered under the Taylor Grazing Act, like other BLM lands?

A. The Memorandum of Understanding between the Department of the Army and the BLM, under which grazing is administered, provides for using the competitive bidding system consistent with military policy and the law governing use of lands acquired within military areas. Although this system gives everyone the same opportunity to bid successfully, the local ranchers may have a slight advantage, at least theoretically. This is so because local ranchers would have less transportation and management costs and their livestock should be acclimated to the environment.

If the law relating to military lands were changed and the Memorandum of Understanding rewritten, BLM could administer the McGregor Range differently. Section 3 of the Taylor Grazing Act provides that preference be given persons owning or controlling livestock waters. However, all livestock waters on the McGregor Range are owned by the Department of the Army. Thus, section 3 of the Taylor Grazing Act would not apply except to a small portion of the Range along the east boundary.

For lands outside grazing districts, section 15 of the Taylor Grazing Act applies. Under section 15, grazing lands are leased with preference given to owners, lessees or other lawful occupants of contiguous lands. Because a very small portion of private lands touch the McGregor Range, very few would qualify.

Q 3. Why doesn't BLM utilize this land as a drought reserve, so that local ranchers would have an area to graze their cattle when a drought hits?

A. Under the Memorandum of Understanding between the Department of the Army and BLM, allocation of the grazing lands within the McGregor Range is made through a competitive bidding system.

The McGregor Range management program was established as a program independent of the adjoining public lands. Range use was not intended to be a supplement to public range lands outside McGregor. However, in some respects, the McGregor Range has functioned as a drought reserve area for the area's ranchers. Under the current system, any ranchers suffering from a drought, whether their ranches are on public, State, or private lands, may bid for McGregor Range forage.

When there is a drought in the surrounding area, the number of bids and the amounts of the bids tend to increase.

Q. 4. What alternatives exist to the current system which would permit the traditional users of these lands to have a better opportunity to utilize this land for grazing?

A. For the past 15 years, the majority of units on the McGregor Range have been grazed by different users. Although occasionally an individual might obtain the same unit 2 or more years in a row, technically, there are no traditional users. From 1975 to 1984, use on the Range by local ranchers and by other ranchers was almost equal.

Grazing contracts could be extended for periods longer than the present 9 to 18 month range. However, in drought periods, longer leasing periods may tend to reduce the ability of the areas' ranchers to bid on a unit as a drought reserve.

Q. 5. Would not the Army agricultural and grazing program, found at 10 U.S.C. 2667, provide for the efficient management of the land and allow the traditional users of the land to have a greater opportunity to utilize the land?

A. The grazing program currently is administered under 10 U.S.C. 2667 and its implementing regulations at 32 CFR 643.1, et seq. These regulations require leasing to be accomplished using "competition * * * through advertising", with no exceptions for grazing use. Under 32 CFR 643.52, lease periods may be up to 5 years. Administration of grazing under that law and those regulations is, as a matter of fact, the most efficient management of the lands for grazing.

Q. 6. Might it be prudent of this Committee to state in this legislation that grazing would be conducted in accordance with this statute?

A. Yes.

ANSWER TO QUESTION SUBMITTED BY SENATOR CRANSTON

Q. 1. Is there any overlap on the land requested to be withdrawn for China Lake in this bill, and the proposed areas in S. 2061, the California Desert Lands Act?

A. We have reviewed the relevant maps, and find no overlap between the lands proposed for wilderness designation and the lands withdrawn for the China Lake Naval Reservation.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

2 September 1986

Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands, Reserved Water,
  and Resource Conservation
Committee on Energy and Natural Resources
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your request for a Department of the Army answer to the following question regarding S. 2412, 99th Congress, submitted by the Subcommittee on behalf of Senator Murkowski:

> Question:
> The Army and the State of Alaska have previously negotiated an agreement regarding public access to the lands in Alaska being withdrawn by this bill. This agreement is included in H.R. 1790. Does the Army still endorse this language and would you support an amendment that adds such language to S. 2412?
>
> Answer:
> Yes. The Army supports such language and would be happy to work with the Subcommittee staff to prepare such an amendment.

We appreciate the Subcommittee's prompt action in scheduling a hearing on S. 2412, and look forward to enactment of the bill during this session.

Sincerely,

Paul W. Johnson
Deputy Assistant Secretary of the Army
(Installations and Housing)
OASA(I&L)

APPENDIX II

Additional Material Submitted for the Record

**AMERICAN
MINING
CONGRESS**
FOUNDED 1897

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Washington, D.C. 20036
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John A. Knebel
President

STATEMENT

of

American Mining Congress

on

S.2412

MILITARY LAND WITHDRAWALS

before the

Subcommittee on Public Lands, Reserved Water and Resources Conservation

of the

Committee on Energy and Natural Resources

United States Senate

July 17, 1986

The American Mining Congress welcomes this opportunity to present its views and comments on S. 2412, legislation to withdraw and reserve certain public lands. AMC is an industry association that encompasses (1) producers of most of America's metals, coal and industrial and agricultural minerals, (2) manufacturers of mining and mineral processing machinery, equipment and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry.

At the present time the U.S. mining industry is struggling to stay alive. The 1983-1984 economic recovery for the most part bypassed metal producers. The situation is not improving and is of deep concern to the mining and mineral processing industries. The United States has become increasingly dependent on foreign sources for many strategic and critical materials. Some of these sources are countries that are socially, economically and politically unstable, which has a dangerous impact upon our national security.

One-third of the nation's land area, approximately 750 million acres, is public land. These lands include large areas of withdrawn military lands and are estimated to contain valuable stores of minerals and other resources that are both useful and important to the United States and its people. These resources are the keystone of the nation's economy and essential for production and delivery of our most basic needs--energy, food, water, shelter, and manufactured goods. Therefore, the mining industry is deeply concerned that public lands not be foreclosed to mineral exploration and development, but be kept open to responsible multiple use management.

The viability of the mining industry is greatly affected by its ability to produce minerals. Mining has often been called the art of looking for nature's needle in nature's haystack. Mining is dependent upon the geologic availablity of ore deposits. No amount of money expended can make it possible to extract metalliferous ores from rocks in which they are not present.

If new deposits are to be found, the mining industry must be provided access to lands where they may occur. Much untapped potential lies beneath public lands, yet governmental policies have been foreclosing more and more of these lands to mineral exploration and development.

Today, it is estimated that anywhere from 50-70% of all public lands are entirely or partially closed to mineral exploration and development. Although there may be a good reason in some instances to reserve certain public lands for an exclusive purpose, we believe that much of this land could and should serve multiple uses, including mining.

Several million acres of lands have been withdrawn for military purposes. The Department of Defense manages approximately 29 million acres of land. Much of this land is not actively used by the military and could be opened to exploration and development where such activity would not interfere with the military mission.

AMC supports "four concepts," which could be used to foster a policy of mineral exploration and development on lands managed by the Department of Defense. First, prospecting for minerals should be encouraged where appropriate by allowing individuals and companies maximum and non-exclusive access to search for mineralization. Second, a prospector should be given exclusive rights for any particular area for the time he is focusing detailed exploration attention to it. Third, a person who discovers a valuable mineral deposit should have an exclusive right to develop and mine it, including the right to defer such development for a reasonable period of years until economic or technologic conditions justify production. Fourth, a mining venture must be provided with security of tenure for the duration of mining on terms reasonably set in advance.

Mining access to military lands can promote optimal use of the land under the multiple use principle and at the same time assure that there is no interference with military operations and national defense activities.

President Reagan has called for the most productive use of all federal lands for energy and mineral development. In his National Materials and Minerals Program Plan and Report to Congress in April 1982, the President recognized "the critical role of minerals to our economy, national defense, and standard of living" and "the need to keep the public's land open to appropriate mineral exploration and development." Futhermore, he expressed "deep concern regarding the increasing dependence of the United States and the free world upon foreign sources for strategic and critical minerals," and noted that, "an unknown amount of Federal land is removed from entry by obsolete or otherwise unnecessary withdrawal."

Military lands hold significant potential for mineral development. AMC is committed to fostering a domestic mining industry capable of fulfilling national requirements and minimizing the risks of undue dependence of the United States on foreign sources of supply. We urge the subcommittee during its deliberations on military land withdrawals to appreciate the need to provide for exploration, identification and development of mineral deposits on military lands within the framework of responsible multiple use management.

ARIZONA WILDLIFE FEDERATION

*"Protecting Arizona's Natural Resources
For Generations To Come"*

4330 North 62nd Street
Suite #102
Scottsdale, AZ 85251
(602) 946-6160

July 10, 1986

Senator James A. McClure
Senate Committee on Energy and Natural Resources
Senate Dirksen Building, Room #358
Washington, DC 20510

Dear Senator McClure:

Enclosed you will find a copy of a letter which was sent to your fellow-senators on the Senate Sub-Committee on Public Lands, Reserved Water and Resource Conservation.

The Arizona Wildlife Federation is strongly opposed to any back door attempt to create a wilderness area out of the Cabeza Prieta Wildlife Refuge, or any other area in Arizona. The issue of creating wilderness areas in Arizona should be one which is open and above board so that all of the ramifications of such an action can be fully considered by senate and the public before such drastic and potentially detrimental action is undertaken.

The Federation and it's 12,000 members and supporters, therefore request your assistance in insuring that no rider is attached to SB 2412 (or any other bill) to create a wilderness area of the Cabeza Prieta Wildlife Refuge or any other land in Arizona.

Because the sub-committee is scheduled to meet on July 17, 1986 to consider SB 2412, there is not sufficient time to furnish you with more detailed information concerning this matter. If you would like more information, please feel free to contact me as there is considerable opposition among the people of Arizona to any proposal to create wilderness areas out of Arizona's Wildlife Refuges.

Sincerely,

P Willis

Pat Willis,
President
Arizona Wildlife Federation

PW/sv

cc: Dale Gaskill, Western Regional Executive, National Wildlife Federation
Dave Albersworth, National Wildlife Federation
Jon Fugate, Greenlee County Director, Arizona Wildlife Federation
U.S. Senator Barry Goldwater
U.S. Senator Dennis DeConcini
U.S. Congressman Bob Stump
U.S. Congressman Eldon Rudd
U.S. Congressman Jim Kolbe

Established 1923 - Formerly The Arizona Game Protective Association • State Affiliate of The National Wildlife Federation, Washington, D.C.

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4330 North 62nd Street
Suite #102
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July 10, 1986

Senator Malcolm Wallop
Senate Sub-Committee on Public Lands, Reserved Water and Resource Conservation
Senate Dirksen Building Room 308
Washington, DC 20510

Dear Senator Wallop:

Over the past few days, we have received some rather disturbing information that there may be a move afoot to have the Cabeza Prieta National Wildlife Refuge designated as "wilderness".

We believe this could be in the form of a "rider" to SB-2412, which deals with land withdrawls for the Air Force. As you may know, this is scheduled for the Senate Sub-Committee on Public Lands, Reserved Water and Resource Conservation July 17, 1986.

Due to the unique condition of the southwest desert, the Arizona Wildlife Federation believes that such wilderness status could only have an adverse impact on the wildlife and game management of the Cabeza Prieta

Therefore, on behalf of the Arizona Wildlife Federation and it's 12,000 members and supporters, we urge you to reject any such "rider" to SB-2412. We would be pleased to elaborate in more detail on this issue, but due to the very short notice, we hope this letter will suffice for now. Please contact us for any further assistance or information.

Sincerely,

P Willis

Pat Willis,
President
Arizona Wildlife Federation

PW/sv

cc: Representative Beverly Byron
Jon Fugate, Arizona Wildlife Federation Greenlee County Director
Dale Gaskill, Western Regional Executive, National Wildlife Federation
Dave Albersworth, National Wildlife Federation
U.S. Senator Barry Goldwater
U.S. Senator Dennis DeConcini
U.S. Congressman Bob Stump
U.S. Congressman Eldon Rudd
U.S. Congressman Jim Kolbe
Members of the Senate Committee on Energy & Natural Resources

Established 1923 - Formerly The Arizona Game Protective Association • State Affiliate of The National Wildlife Federation, Washington, D.C.

1986 AUG -4 AM 10: 33

National Audubon Society
NATIONAL CAPITAL OFFICE
645 PENNSYLVANIA AVENUE, S.E., WASHINGTON, D.C. 20003 (202) 547-9009

July 30, 1986

The Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands,
Reserved Water, and Resource Conservation
Senate Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman,

We are writing to express the concerns of the National Audubon Society over S.2412, the bill presently before your subcommittee which proposes withdrawals of about 8,000,000 acres of public land for military purposes. Hearings were held on July 17 before the Public Lands Subcommittee on this bill, and we request that this statement be made part of the record of those hearings.

Our primary concern is that S.2412 as now drafted makes no provision for comprehensive environmental impact statements on any of these lands. We believe that an up-to-date EIS should be required on all affected lands before the withdrawals are undertaken. It is clear that 25 years of military activities can have a significant impact, and since these are public lands, the American people need to know how the resource values they contain will be affected by such activities as aerial bombing, electronic warfare, and 'high hazard testing.'

We also recommend that any withdrawals be permitted for a period significantly shorter than 25 years so it is assured that within a reasonable period of time Congress has the chance to fully review the management of the lands. National Audubon feels 25 years is far too long to have public lands outside of public control. A 10 year period of withdrawal should be sufficient.

Additionally, the whole issue of decontamination needs clarification. It seems prudent to require some funding and commitment from the various service branches in advance for the cleaning up of bombing and testing sites, or else the lands may well be spoiled forever, and will never be returned to the Department of the Interior for the use and benefit of all citizens. It cannot be expected that the Department of the Interior would be able to undertake the burden of cleaning up uncounted numbers of undetonated bombs and projectiles.

We must add that, based on the record before us, we are not convinced that such huge amounts of land are really needed for military purposes. We respect the vital role the armed services play in defending our country and we understand the necessity of conducting these testings and maneuvers in open reaches away from populated areas. At the same time, however, it is not clear that such large expanses are needed for the military to effectively accomplish its goals. The whole reason the Engle Act was passed in 1958 was to allow Congress the oversight that many people felt was lacking in the process of military land acquisitions. We truly hope that Congress does not disavow its duty to ensure that the public interest is protected and that the land, and the wildlife and other resources it contains, is not unnecessarily damaged by these military withdrawals.

There are three site-specific issues of great importance to us at this time. The first is the proposed renewal of an expiring withdrawal for Nellis Air Force Range in Nevada, which comprises almost 3 million acres. National Audubon is dismayed that Congress is considering allowing the inclusion of 89,600 acres of the Groom Mountain Range in this withdrawal. The Air Force has illegally occupied that land now for over two years, totally disregarding the Engle Act and the requirements of NEPA. Also, the Air Force has never prepared an environmental impact statement on this improperly annexed land. We feel an EIS should definitely be completed on the whole Nellis Range, including the Groom Mountain Range, before any withdrawal is approved.

A second concern regarding the Nellis Air Force Range withdrawal is that the managers of the Desert National Wildlife Range, which is to a great extent overlapped by the Nellis Range, would lose their authority to adequately administer these lands in the best interests of its wildlife, because S.2412 makes wildlife management secondary to military use on any withdrawn lands. Thus, S.2412 takes a large step toward the elimination, for all practical purposes, of a wildlife refuge that predates the Air Force range itself. The unique ecosystem and the amazing amount of wildlife found on this refuge make it a highly valuable part of the National Wildlife Refuge System. We feel S.2412 could be amended so that if parts of the refuge are still contained in the new withdrawal for the Nellis Air Force Range, they remain outside Air Force management or control.

The next area of concern is the Luke Air Force Range in Arizona. This range, which is also up for a renewal of its present withdrawal, contains the whole of the Cabeza Prieta National Wildlife Range, which supports a number of endangered desert species. National Audubon feels that the Wildlife Range can continue to coexist with the Air Force range as it has in the past; however, we feel this is more likely to happen if the wording in S.2412 is changed so that wildlife management is not made secondary to military use of the lands. And once again, we would recommend that a new EIS be conducted for this Range before a renewed withdrawal be approved.

Finally, the proposed Bravo-20 Naval Bombing Range withdrawal seems of questionable necessity to the National Audubon Society. The Navy already has a number of such ranges at its disposal in the West, and this one would adjoin two wilderness study areas. Our fear is that these two WSA's (the Job Peak WSA and the Stillwater Range WSA) may be disqualified for further wilderness consideration as a result of the nearby air operations. This is due partly to the fact that Navy pilots have repeatedly in the past dropped live bombs outside of their bombing range boundaries -- two wildlife areas have already been 'hit' in Nevada alone. Such mishaps outside the Bravo-20 Range would really be an attack upon future wilderness areas against which there is no defense. If this new bombing range is indeed vital, we hope it could be relocated far from any present WSA's.

Thank you for your consideration of our views. We strongly hope that requests for the military withdrawals of any public lands, now or in the future, will be subject to strict questioning and review .

Respectfully submitted,

Brock Evans

Brock Evans
Vice President for National Issues

Box 117,
Gabbs, NV., 89409.
July [illegible] 1986.

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUL 28 1986
WASHINGTON, D.C. 20510

The Honorable James A. McClure,
United States Senate,
Washington, D.C., 20510.

JUL 25 1986

Dear Senator McClure:

You are already familiar with some aspects of 'Bravo-20'. This proposed withdrawal of public lands is included in Omnibus public land bill S.B.2412. Bombardment and contamination of this region will have major impacts on Nevadans, impacts which have not been addressed thoughtfully, nor legally (according to NEPA). Historically, the use of this region was without authority and infact the status of these lands was misrepresented to the public. For these, and other reasons on the record accompanying S.B.2412, I would ask you to reconsider your views on the matter, views which I suspect do not now coincide with the amendments requested in this letter.

Navy spokesmen testified before House and Senate land subcommittees, that they already had "leases and permits" to bomb these lands. We asked the Navy directly and through our elected representatives, to provide us with copies of such documents; all our findings were contrary to their testimony. Through the Freedom of Information Act, it was discovered that these "leases and permits" DID NOT EXIST.

Through 1985 the Navy continued to contaminate these public lands, knowing that since 1953 it had no legal authority for these actions. ("Bravo 20" is scheduled to come to trial in U.S. District Court on September 23, 1986.)

The record on S.B.2412 is supported by comprehensive documentation. Again, though your viewpoint may be set on this matter, I would urge you to independently review the record on 'Bravo-20' (S.B.2412). If after such review, you agree that this withdrawal should comply with the Engle Act and with NEPA, both for the protection of Nevada's future and for the sake of good government, then I would also urge you to amend this pending legislation by supporting the following recommendations and/or amendments:

[*A*] Segregate 'Bravo-20' from the Omnibus bill S.B.2412.
[*B*] Make it mandatory for the Navy to complete, PRIOR to any bombing, an EIS for this entire proposed major federal agency action.
[*C*] Ensure appropriation of DECONTAMINATION funds for these public lands, PRIOR to allowing withdrawal and further contamination by bombing. Otherwise (unlike other withdrawals) THESE LANDS WILL BE CONTAMINATED IN PERPETUITY.
[*D*] H.R.4351 is the House counterpart for S.B.2412 (Nevada). The House bill mandates the creation of a comprehensive EIS for all military actions in Nevada. THE SENATE BILL SHOULD ADOPT THIS LANGUAGE.

Without amendment, S.B.2412 will result in the unprecedented PERMANENT CONTAMINATION of these public lands. Your action on this matter, and any comment, would be appreciated.

Sincerely

Richard Bargen, M.D.

FTR

OFFICIAL COMMITTEE FILE
PLEASE RETURN

SENATE COMMITTEE ON [illegible] AND NATURAL RESOURCES
RECEIVED
JUL 16 1986
WASHINGTON, D.C. 20510

Box 117,
Babbs,NV., [illegible]
July 9,1986

The Honorable James A. McClure,,
Committee on Energy and Natural Resources,
United States Senate,
Washington, D.C., 20510.

Dear Senator McClure;

Coming up in your future press of Senate business is the consideration of an Omnibus bill (S.B.2412-- subcommittee hearing July 17) which includes the proposed military withdrawal of 21,000 acres of public land near Fallon, Nevada ('Bravo 20'). Major problems surround this proposed withdrawal, problems of justice, federal agency integrity and compliance with the Engle Act and NEPA. I would urge you to review the extensive documentation supporting these contentions, submitted for the record on S.B.2412.

The status of these public lands has been knowingly misrepresented by the Navy, both to the public and before Congress. There is no valid withdrawal application, there is no legislative environmental impact statement, the impacts on the public-- including Native Americans-- have not been considered; other points are detailed in the supporting documentation. This land withdrawal is part of a larger project (the Intergrated Airwarfare Training Complex) which will create major adverse impacts on rural residents in Nevada.

Withdrawal of these 21,000 acres of public land will PERMANENTLY contaminate the water and ground in a far larger area of central Nevada. In 1979 the Navy claimed it would require more than $300 million to clear this area of unexploded ordnance. Last week I revisited Lone Rock, in the center of the proposed withdrawal. It is recovering from the unauthorized bombing in the past; wildlife is returning and the regrowth in vegetation is remarkable. Many people have camped here over the past year and can testify that while land recovery is still possible, any withdrawal without provision of funds for future decontamination, in this case creates a withdrawal IN PERPETUITY.

After a review of all available documentation, I would fully support the inclusion in S.B.2412 of a requirement for a state-wide Comprehensive Environmental Impact Statement for land and airspace withdrawals. I would also urge support for Nevada Congressman Reid's airspace bill, an Engle Act of the Air.

Most importantly, I would ask you to review the documentation and then take appropriate action by removing 'Bravo 20' from S.B.2412. Amending this bill will help make amends for an attempted endrun around the provisions of NEPA, the Engle Act and the Native American Religious Rights Act. I would ask you to require the Navy to produce an acceptable EIS for this proposed withdrawal prior to submitting legislation.

Please do not acquiesce in the further permanent contamination of Nevada. Removal of 'Bravo 20' from this bill will be a strong indication to all federal agencies that procedural requirements arising from Acts of Congress cannot be flaunted with impunity, even in Nevada. Thanks for any response.

Sincerely yours,
Richard Bargen
Richard Bargen, M.D.

FTR

ARIZONA DESERT BIGHORN SHEEP SOCIETY INC.
P. O. Box 5241 • Phoenix, Arizona 85010

July 10, 1986

The Honorable James A. McClure, Chairman
Senate Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Dear Senator McClure:

It has come to the attention of our organization there may be attempts at the July 17 hearing on S.2412 to attach a wilderness rider.

The Society is especially concerned about an attempt to attach a rider for a Cabeza Prieta wilderness onto legislation for the Luke Air Force Gunnery Range withdrawal.

The Society does not feel this is the appropriate mechanism to initiate a forum for discussion about a Cabeza Prieta wilderness. The military withdrawal legislation is important enough it should be discussed as a sole and separate issue. By the same token, any proposal for a Cabeza Prieta wilderness should stand on its own merits as separate legislation. There is enough interest in the state of Arizona regarding this wilderness proposal to merit a thorough airing, including field hearings here.

Because the Cabeza Prieta Wildlife Refuge was established for the management of desert bighorn sheep and Sonoran pronghorn the Society has a very keen interest in the subject of wilderness for this refuge.

The Society would appreciate your assistance in thwarting any attempt to attach a wilderness rider to military withdrawal legislation. We would prefer to have wilderness considered as a separate piece of legislation.

Yours in conservation,

Stephen M. Williams

ARIZONA DESERT BIGHORN SHEEP SOCIETY, INC.

Stephen M. Williams, Chairman
Legislative Committee

cc: Senate Energy and Natural Resources Committee members
Arizona Senators

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western union

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SENATOR MALCOLM WALLOP
SUBCOMMITTEE ON PUBLIC LAND RPT DLY MGM
CAPITOL ONE DC

THIS STATEMENT WAS SENT TO THE ARIZONA DELEGATION AND WE WISH THAT IT BE ENTERED AS PART OF THE OFFICIAL RECORD.
"THE ARIZONA GAME AND FISH COMMISSION REQUESTS THAT THERE BE NO ACTION TAKEN AT THIS TIME TO DESIGNATE THE CABEZA PRIETA WILDLIFE REFUGE AS WILDERNESS BY A RIDER/AMENDMENT TO ANY BILL DESIGNATING THE LUKE AIR BASE WITHDRAWAL LAND (HR1790, SIEBERLING PUBLIC LAND SUBCOMMITTEE, JULY 18 945AM; S2412 WALLOP PUBLIC LAND AND RESOURCES SUBCOMMITTEE, JULY 17, 10AM). WE VIEW THE CABEZA WILDERNESS PROPOSAL AND THE LUKE WITHDRAWAL PROPOSAL AS 2 SEPARATE AND DISTINCT ISSUES REQUIRING SEPARATE AND DISTINCT ACTION.

WE REQUEST THAT THERE BE A PUBLIC HEARING/COMMENT PROCESS BEFORE CONSIDERATION OF DESIGNATING THE CABEZA, OR ANY OTHER ARIZONA REFUGE, AS WILDERNESS. THIS PUBLIC PROCESS SHOULD INVOLVE ALL INTERESTED PARTIES, INCLUDING THE ARIZONA GAME AND FISH DEPARTMENT AND COMMISSION. WE URGE THAT AN UP TO DATE ENVIRONMENTAL IMPACT STATEMENT BE DEVELOPED. THIS WOULD SATISFY THE MANY QUESTIONS THAT HAVE ARISEN AS TO FUTURE MANAGEMENT OPTIONS AND DIRECTIONS AND WOULD PERMIT THE PUBLIC TO PROVIDE BACKGROUND INFORMATION WITHIN THE DECISION MAKING FRAMEWORK."

SINCERELY

BUD BRISTOW DIRECTOR ARIZONA GAME AND FISH DEPARTMENT
PO BOX 9099
PHOENIX AZ 85068

1211 EST

13:39 EST

IPMPOMX WSH